

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-FOURTH
GENERAL ASSEMBLY**

2012 REGULAR SESSION

Volume I

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

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Des Moines

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EIGHTY-FOURTH GENERAL ASSEMBLY
2012 Regular Session

OFFICERS OF THE SENATE

JOHN P. “JACK” KIBBIE, <i>President of the Senate</i>	Emmetsburg
JEFF DANIELSON, <i>President Pro Tempore</i>	Cedar Falls
MICHAEL E. GRONSTAL, <i>Majority Leader</i>	Council Bluffs
THOMAS G. COURTNEY, <i>Majority Whip</i>	Burlington
JOE BOLKCOM, <i>Assistant Majority Leader</i>	Iowa City
WILLIAM A. DOTZLER, JR., <i>Assistant Majority Leader</i>	Waterloo
WALLY E. HORN, <i>Assistant Majority Leader</i>	Cedar Rapids
AMANDA RAGAN, <i>Assistant Majority Leader</i>	Mason City
STEVEN J. SODDERS, <i>Assistant Majority Leader</i>	State Center
JERRY BEHN, <i>Minority Leader</i>	Boone
BRAD ZAUN, <i>Minority Whip</i>	Urbandale
MERLIN BARTZ, <i>Assistant Minority Leader</i>	Grafton
DAVID JOHNSON, <i>Assistant Minority Leader</i>	Ocheyedan
TIM L. KAPUCIAN, <i>Assistant Minority Leader</i>	Keystone
ROBY SMITH, <i>Assistant Minority Leader</i>	Davenport
PAT WARD, <i>Assistant Minority Leader</i>	Clive
MICHAEL E. MARSHALL, <i>Secretary of the Senate</i>	West Des Moines
KIRSTEN ANDERSON, <i>Minority Caucus Communications Director</i>	Des Moines
TOM ASHWORTH, <i>Minority Caucus Senior Research Analyst</i>	Carlisle
ERIC BAKKER, <i>Senior Administrative Asst. to Majority Leader II</i>	Des Moines
KRIS BELL, <i>Majority Caucus Senior Research Analyst</i>	West Des Moines
JENNIFER BEMINIO, <i>Administrative Services Officer</i>	Des Moines

OFFICERS OF THE SENATE

MEGAN BENDIXEN, <i>Administrative Services Assistant</i>	Urbandale
K'ANN BRANDT, <i>Administrative Services Officer III</i>	Ankeny
JOSHUA BRONSINK, <i>Minority Caucus Research Analyst I</i>	Des Moines
LOIS J. BROWNELL, <i>Senior Finance Officer III</i>	Ankeny
JERRY CARLSON, <i>Sergeant-at-Arms</i>	Des Moines
LEILA CARLSON, <i>Postmistress</i>	Des Moines
STEPHEN CONWAY, <i>Senior Administrative Asst. to President</i>	West Des Moines
ANGELA COX, <i>Administrative Services Officer I</i>	Des Moines
JAMES DOUGLAS, <i>Doorkeeper</i>	Huxley
PAMELA DUGDALE, <i>Minority Caucus Senior Research Analyst</i>	West Des Moines
CATHERINE ENGEL, <i>Majority Caucus Research Analyst III</i>	West Des Moines
SUE FOECKE, <i>Majority Caucus Research Analyst III</i>	Des Moines
JAMES FRIEDRICH, <i>Minority Caucus Senior Research Analyst</i>	Ankeny
BRIDGET GODES, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
JANET HAWKINS, <i>Assistant Secretary of the Senate III</i>	Bondurant
GANNON HENDRICK, <i>Minority Caucus Research Analyst</i>	Maxwell
JOHN F. HODGES, <i>Minority Caucus Staff Director</i>	Bondurant
JESSE HUGHES, <i>Administrative Services Officer</i>	Des Moines
ERIC JOHANSEN, <i>Minority Caucus Research Analyst</i>	Grimes
ISAIAH JOHNSON, <i>Doorkeeper</i>	
DEBBIE KATTENHORN, Sr. <i>Administrative Asst. to Majority Leader I</i>	Norwalk
THERESA L. KEHOE, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
KAY KIBBIE, <i>Confidential Secretary to President</i>	Emmetsburg
ROBERT LANGBEHN, <i>Doorkeeper</i>	Des Moines
JO ANN LARSON, <i>Switchboard Operator</i>	Indianola

FRANK LOEFFEL, <i>Doorkeeper</i>	Des Moines
RUSTY MARTIN, <i>Majority Caucus Communications Director</i>	Des Moines
DON McDOWELL, <i>Administrative Assistant to Minority Leader II</i>	Johnston
JACE MIKELS, <i>Majority Caucus Research Analyst III</i>	Waukee
JAY MOSHER, <i>Bill Clerk</i>	Milo
KATHY OLAH, <i>Administrative Services Officer III</i>	West Des Moines
RON PARKER, <i>Majority Caucus Senior Staff Director</i>	Des Moines
CHRISTINE PORTER, <i>Switchboard Operator</i>	Indianola
DICK ROSONKE, <i>Doorkeeper</i>	
DALE SCHROEDER, <i>Doorkeeper</i>	
BETTY SHEA, <i>Administrative Services Officer I</i>	Altoona
ERICA SHORKEY, <i>Majority Caucus Research Analyst III</i>	Des Moines
JULIE T. SIMON, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
KATHY STACHON, <i>Senate Lobbyist Clerk</i>	Des Moines
MAUREEN TAYLOR, <i>Administrative Services Officer I</i>	Des Moines
RUSS TRIMBLE, <i>Minority Caucus Senior Research Analyst</i>	West Des Moines
NICOLE WOODROFFE, <i>Administrative Asst. to Minority Leader II</i>	Des Moines
KERRY WRIGHT, <i>Majority Caucus Research Analyst II</i>	West Des Moines

JOINT EMPLOYEES OF THE SENATE AND HOUSE

MARK L. WILLEMSSEN, *Senior Facilities Manager* Johnston

ZACHARY L. BUNKERS, *Conservation/Restoration Specialist II* Des Moines

MARK S. LUNDBERG, *Conservation/Restoration Manager* Des Moines

SHAWNA S. FERGUSON, *Legislative Security Coordinator* Norwalk

KATHLEEN BACUS, *Security Officer I* Knoxville

ROBERT CORNWELL, *Security Officer I* Johnston

SAM GROVES, *Security Officer I* Ankeny

BARB MALONE, *Security Officer I* Pleasant Hill

GERALD McCURDY, *Security Officer I* Des Moines

KERT SCHNELL, *Security Officer I* Newton

CURTIS SCOTT, *Security Officer I* Waukee

GORDON SKEFFINGTON, *Security Officer I* Waukee

LEO R. SKEFFINGTON, *Security Officer I* Adel

RICHARD TAYLOR, *Security Officer I* Earlham

GABE WILSON, *Security Officer I* Ames

SHIRLEY ROACH, *Senior Copy Center Operator* Des Moines

HANNAH MAHAN, *Assistant Copy Center Operator* Clive

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i>	Des Moines
KIM REYNOLDS, <i>Lieutenant Governor</i>	Osceola
MATT SCHULTZ, <i>Secretary of State</i>	Council Bluffs
DAVID A. VAUDT, <i>Auditor of State</i>	West Des Moines
MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	Urbandale
BILL NORTHEY, <i>Secretary of Agriculture</i>	Spirit Lake
TOM MILLER, <i>Attorney General</i>	Des Moines

JUSTICES OF THE IOWA SUPREME COURT

MARK S. CADY, <i>Chief Justice</i>	Fort Dodge
BRENT R. APPEL, <i>Justice</i>	Ackworth
DARYL L. HECHT, <i>Justice</i>	Sioux City
EDWARD M. MANSFIELD, <i>Justice</i>	Des Moines
THOMAS D. WATERMAN, <i>Justice</i>	Pleasant Valley
DAVID S. WIGGINS, <i>Justice</i>	West Des Moines
BRUCE B. ZAGER, <i>Justice</i>	Waterloo

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, <i>Chief Judge</i>	Okoboji
DAVID DANILSON, <i>Judge</i>	Boone
RICHARD H. DOYLE, <i>Judge</i>	Des Moines
LARRY J. EISENHAUER, <i>Judge</i>	Ankeny
MICHAEL R. MULLINS, <i>Judge</i>	Washington
GAYLE NELSON VOGEL, <i>Judge</i>	Spirit Lake
AMANDA POTTERFIELD, <i>Judge</i>	Tiffin
MARY TABOR, <i>Judge</i>	Des Moines
ANURADHA VAITHESWARAN, <i>Judge</i>	Des Moines

MEMBERS OF THE SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
2012 Regular Session

(Underlined county indicates the county of residence.)

BILL ANDERSON

Address Pierson
 Age 34
 Occupation Small Business Owner
 Political Party Republican
 Previous Legislative Service Senate: 2011
 Senatorial District 27—Cherokee, Plymouth, Woodbury

ROBERT BACON

Address Maxwell
 Age 56
 Occupation Funeral Director
 Political Party Republican
 Previous Legislative Service Senate: 2011
 Senatorial District 5—Hamilton, Story, Webster, Wright

MERLIN BARTZ

Address Grafton
 Age 51
 Occupation Farmer/Laborer
 Political Party Republican
 Previous Legislative Service House: 1991–1992; Senate: 1993–2002, 2009–2011
 Senatorial District 6—Cerro Gordo, Franklin, Hancock, Winnebago, Worth

DARYL BEALL

Address Fort Dodge
 Age 65
 Occupation Journalist
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2011
 Senatorial District 25—Calhoun, Greene, Webster

JERRY BEHN

Address Boone
 Age 58
 Occupation Farmer/Agribusiness
 Political Party Republican
 Previous Legislative Service Senate: 1997–2011
 Senatorial District 24—Boone, Dallas

RIK BERTRAND

Address Sioux City
 Age 42
 Political Party Republican
 Previous Legislative Service Senate: 2011
 Senatorial District 1–Woodbury

DENNIS H. BLACK

Address Grinnell
 Age 72
 Occupation Retired Conservationist
 Political Party Democratic
 Previous Legislative Service House: 1983–1994; Senate: 1995–2011
 Senatorial District 21–Jasper, Polk

NANCY J. BOETTGER

Address Harlan
 Age 69
 Occupation Farmer/Formal Educator/Bed and Breakfast Owner/Operator
 Political Party Republican
 Previous Legislative Service Senate: 1995–2011
 Senatorial District 29–Adair, Audubon, Cass, Guthrie,
 Pottawattamie, Shelby

JOE BOLKCOM

Address Iowa City
 Age 55
 Occupation Outreach Dir.–UI Ctr. for Global and Regional Envtl. Research
 Political Party Democratic
 Previous Legislative Service Senate: 1999–2011
 Senatorial District 39–Johnson

TOD BOWMAN

Address Maquoketa
 Age 46
 Occupation Educator
 Political Party Democratic
 Previous Legislative Service Senate: 2011
 Senatorial District 13–Clinton, Dubuque, Jackson

MARK CHELGREN

Address Ottumwa
 Age 43
 Occupation Entrepreneur
 Political Party Republican
 Previous Legislative Service Senate: 2011
 Senatorial District 47–Appanoose, Davis, Wapello, Wayne

THOMAS G. COURTNEY

Address Burlington
 Age 64
 Occupation Retired
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2011
 Senatorial District 44–Des Moines, Louisa, Muscatine

JEFF DANIELSON

Address Cedar Falls
 Age 41
 Occupation Professional Firefighter
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2011
 Senatorial District 10–Black Hawk

DICK L. DEARDEN

Address Des Moines
 Age 73
 Occupation Retired Job Developer–5th Judicial District
 Political Party Democratic
 Previous Legislative Service Senate: 1995–2011
 Senatorial District 34–Polk

BILL DIX

Address Shell Rock
 Age 49
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1997–2007; Senate: 2011
 Senatorial District 9–Black Hawk, Bremer, Butler, Fayette

WILLIAM A. DOTZLER, JR.

Address Waterloo
 Age 64
 Occupation Retired–John Deere
 Political Party Democratic
 Previous Legislative Service House: 1997–2002; Senate: 2003–2011
 Senatorial District 11–Black Hawk

ROBERT E. DVORSKY

Address Coralville
 Age 63
 Occupation Executive Officer, 6th Jud. District-Dept. of Correctional Services
 Political Party Democratic
 Previous Legislative Service House: 1987–1993; Senate: 1994*–2011
 Senatorial District 15–Johnson, Linn

*Elected in special election held on February 22, 1994.

JONI ERNST

Address Red Oak
 Age 41
 Occupation Former County Auditor/Iowa Army National Guard
 Political Party Republican
 Previous Legislative Service Senate: 2011*
 Senatorial District 48–Adams, Clarke, Decatur, Montgomery,
 Ringgold, Taylor, Union

*Elected in special election held on January 4, 2011.

RANDY FEENSTRA

Address Hull
 Age 43
 Occupation Finance and Insurance–Iowa State Bank
 Political Party Republican
 Previous Legislative Service Senate: 2009–2011
 Senatorial District 2–Lyon, Plymouth, Sioux

GENE FRAISE

Address Fort Madison
 Age 79
 Occupation Farmer
 Political Party Democratic
 Previous Legislative Service Senate: 1986*–2011
 Senatorial District 46–Henry, Lee

*Elected in special election held on January 7, 1986.

SANDRA H. GREINER

Address Keota
 Age 66
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1993–2000, 2003–2009; Senate: 2001–2002, 2011
 Senatorial District 45–Jefferson, Johnson, Van Buren,
 Wapello, Washington

MICHAEL E. GRONSTAL

Address Council Bluffs
Age 62
Political Party Democratic
Previous Legislative Service House: 1983–1984; Senate: 1985–2011
Senatorial District 50–Pottawattamie

JAMES F. HAHN

Address Muscatine
Age 76
Occupation Property Management
Political Party Republican
Previous Legislative Service House: 1991–2004; Senate: 2005–2011
Senatorial District 40–Cedar, Johnson, Muscatine

SHAWN HAMERLINCK

Address Dixon
Age 32
Occupation Education, Prof–Clinton Comm. College/Adjunct Prof–Augustana College
Political Party Republican
Previous Legislative Service Senate: 2009–2011
Senatorial District 42–Clinton, Scott

TOM HANCOCK

Address Epworth
Age 64
Occupation Retired–United States Postal Service
Political Party Democratic
Previous Legislative Service Senate: 2005–2011
Senatorial District 16–Delaware, Dubuque, Jones

JACK HATCH

Address Des Moines
Age 62
Occupation Real Estate Developer
Political Party Democratic
Previous Legislative Service House: 1985–1992, 2001–2002; Senate: 2003–2011
Senatorial District 33–Polk

ROBERT M. HOGG

Address Cedar Rapids
 Age 45
 Occupation Attorney
 Political Party Democratic
 Previous Legislative Service House: 2003–2006; Senate: 2007–2011
 Senatorial District 19–Linn

WALLY E. HORN

Address Cedar Rapids
 Age 78
 Occupation Legislator
 Political Party Democratic
 Previous Legislative Service House: 1973–1982; Senate: 1983–2011
 Senatorial District 17–Linn

HUBERT HOUSER

Address Carson
 Age 69
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1993–2001; Senate: 2002*–2011
 Senatorial District 49–Fremont, Mills, Page, Pottawattamie
 *Elected in special election held on June 12, 2001.

PAM JOCHUM

Address Dubuque
 Age 57
 Occupation Legislator
 Political Party Democratic
 Previous Legislative Service House: 1993–2008; Senate: 2009–2011
 Senatorial District 14–Dubuque

DAVID JOHNSON

Address Ocheyedan
 Age 61
 Occupation Dairy Farmer
 Political Party Republican
 Previous Legislative Service House: 1999–2002; Senate: 2003–2011
 Senatorial District 3–Clay, Dickinson, O'Brien, Osceola, Sioux

TIM L. KAPUCIAN

Address Keystone
 Age 55
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service Senate: 2009–2011
 Senatorial District 20–Benton, Grundy, Iowa, Tama

STEVE KETTERING

Address Lake View
 Age 68
 Occupation Community Banker
 Political Party Republican
 Previous Legislative Service House: 1999–2002; Senate: 2003–2011
 Senatorial District 26–Buena Vista, Carroll, Crawford, Sac

JOHN P. “JACK” KIBBIE

Address Emmetsburg
 Age 82
 Occupation Farmer
 Political Party Democratic
 Previous Legislative Service House: 1961–1964; Senate: 1965–1968, 1989–2011
 Senatorial District 4–Emmet, Humboldt, Kossuth,
Palo Alto, Pocahontas, Webster

LIZ MATHIS

Address Cedar Rapids
 Age 54
 Occupation Owner–Advertising Agency
 Political Party Democratic
 Previous Legislative Service None*
 Senatorial District 18–Linn
 *Elected in special election held on November 8, 2011.

MATT McCOY

Address Des Moines
 Age 46
 Occupation Owner of Resource Development Consultants (RDC)
 Political Party Democratic
 Previous Legislative Service House: 1993–1996; Senate: 1997–2011
 Senatorial District 31–Polk

PAUL McKINLEY

Address Chariton
 Age 64
 Occupation Businessman
 Political Party Republican
 Previous Legislative Service Senate: 2001–2011
 Senatorial District 36–Jasper, Lucas, Mahaska, Marion, Monroe

HERMAN C. QUIRMBACH

Address Ames
 Age 61
 Occupation Associate Professor of Economics–Iowa State University
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2011
 Senatorial District 23–Boone, Story

AMANDA RAGAN

Address Mason City
 Age 57
 Occupation Exec Dir. of Comm. Kitchen N Iowa/Exec Dir. of Meals on Wheels
 Political Party Democratic
 Previous Legislative Service Senate: 2002*–2011
 Senatorial District 7–Cerro Gordo, Floyd, Howard, Mitchell
 *Elected in special election held on March 12, 2002.

TOM RIELLY

Address Oskaloosa
 Age 45
 Occupation Insurance Sales
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2011
 Senatorial District 38–Iowa, Keokuk, Mahaska, Poweshiek, Tama

BRIAN SCHOENJAHN

Address Arlington
 Age 62
 Occupation Legislator/EMT–Arlington Fire Department
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2011
 Senatorial District 12–Black Hawk, Buchanan, Clayton, Delaware, Fayette

JOE M. SENG

Address Davenport
 Age 65
 Occupation Veterinarian
 Political Party Democratic
 Previous Legislative Service House: 2001–2002; Senate: 2003–2011
 Senatorial District 43–Scott

JAMES A. SEYMOUR

Address Woodbine
 Age 73
 Occupation Retired Hospital Administrator/CEO
 Political Party Republican
 Previous Legislative Service Senate: 2003–2011
 Senatorial District 28–Crawford, Harrison, Ida, Monona,
 Pottawattamie, Woodbury

ROBY SMITH

Address Davenport
 Age 34
 Occupation Small Business Owner
 Political Party Republican
 Previous Legislative Service Senate: 2011
 Senatorial District 41–Scott

STEVEN J. SODDERS

Address State Center
 Age 42
 Occupation Deputy Sheriff
 Political Party Democratic
 Previous Legislative Service Senate: 2009–2011
 Senatorial District 22–Franklin, Hardin, Marshall

KENT SORENSON

Address Milo
 Age 39
 Occupation Business Owner
 Political Party Republican
 Previous Legislative Service House: 2009–2010; Senate: 2011
 Senatorial District 37–Dallas, Madison, Warren

PAT WARD

Address Clive
 Age 54
 Occupation Former Public and Government Relations Executive
 Political Party Republican
 Previous Legislative Service Senate: 2004*–2011
 Senatorial District 30–Polk

*Elected in special election held on February 3, 2004.

JACK WHITVER

Address Ankeny
 Age 31
 Occupation Self-Employed/Business Owner
 Political Party Republican
 Previous Legislative Service Senate: 2011*
 Senatorial District 35–Polk

*Elected in special election held on January 18, 2011.

MARY JO WILHELM

Address Cresco
 Age 57
 Occupation Appraiser
 Political Party Democratic
 Previous Legislative Service Senate: 2009–2011
 Senatorial District 8–Allamakee, Chickasaw,
Howard, Winneshiek

BRAD ZAUN

Address Urbandale
 Age 50
 Occupation V.P. of R & R Realty Marketing Group
 Political Party Republican
 Previous Legislative Service Senate: 2005–2011
 Senatorial District 32–Polk

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the Eighty-fourth General Assembly:

*Vice Chair
**Ranking Member

AGRICULTURE—13 Members

Seng, Chair	Bowman	Hancock	Rielly
Fraise*	Courtney	Houser	
Johnson**	Greiner	Kapucian	
Black	Hahn	Kibbie	

APPROPRIATIONS—21 Members

Dvorsky, Chair	Danielson	Jochum	
McCoy*	Dotzler	Johnson	
Dix**	Fraise	Kapucian	
Bartz	Hancock	Kettering	
Black	Hatch	Ragan	
Boettger	Hogg	Schoenjahn	
Bolkcom	Houser	Seymour	

COMMERCE—15 Members

McCoy, Chair	Bertrand	Kettering	Ward
Rielly*	Bolkcom	Mathis	Wilhelm
Anderson**	Courtney	Schoenjahn	Zaun
Beall	Feenstra	Seng	

ECONOMIC GROWTH/REBUILD IOWA—15 Members

Sodders, Chair	Bertrand	Hatch	Ward
Dotzler*	Bowman	Horn	Whitver
Greiner**	Chelgren	Mathis	Wilhelm
Bacon	Danielson	Rielly	

EDUCATION—13 Members

Quirnbach, Chair	Boettger	Hogg	Wilhelm
Schoenjahn*	Bowman	Johnson	
Hamerlinck**	Dvorsky	Smith	
Beall	Feenstra	Sodders	

ETHICS—6 Members

Kibbie, Chair	McKinley**	Kettering	Seng
Fraise*	Behn		

GOVERNMENT OVERSIGHT—5 Members

Courtney, Chair	Sorenson**	Greiner	Kibbie
Sodders*			

HUMAN RESOURCES—13 Members

Ragan, Chair	Boettger	Hatch	Mathis
Wilhelm*	Bolkcom	Jochum	Quirnbach
Seymour**	Dotzler	Johnson	Whitver
Bacon			

JUDICIARY—13 Members

Fraise, Chair	Dvorsky	Quirnbach	Whitver
Hogg*	Hancock	Sodders	
Boettger**	Horn	Sorenson	
Dix	Jochum	Ward	

LABOR AND BUSINESS RELATIONS—11 Members

Horn, Chair	Anderson	Courtney	Fraise
Jochum *	Bertrand	Dearden	Hatch
Ward**	Chelgren	Dotzler	

LOCAL GOVERNMENT—11 Members

Wilhelm, Chair	Bacon	Ernst	Rielly
Beall *	Bowman	Hamerlinck	Schoenjahn
Bartz**	Courtney	Quirnbach	

NATURAL RESOURCES AND ENVIRONMENT—13 Members

Dearden, Chair	Ernst	Hogg	Schoenjahn
Black*	Hamerlinck	Kapucian	Seng
Hahn**	Hancock	Ragan	Sorenson
Bolkcom			

RULES AND ADMINISTRATION—11 Members

Gronstal, Chair	Bartz	Dearden	Ragan
Kibbie*	Courtney	Dvorsky	Zaun
Behn**	Danielson	McKinley	

STATE GOVERNMENT—15 Members

Danielson, Chair	Chelgren	Fraise	McCoy
Kibbie*	Dearden	Hatch	Smith
Sorenson**	Dix	Horn	Sodders
Bertrand	Feenstra	Jochum	

TRANSPORTATION—13 Members

Rielly, Chair	Danielson	Ernst	Houser
Bowman*	Dearden	Hahn	McCoy
Kapucian**	Dvorsky	Hancock	Zaun
Beall			

VETERANS AFFAIRS—11 Members

Beall, Chair	Bacon	Greiner	Ragan
Danielson*	Black	Horn	Sodders
Seymour**	Ernst	Kibbie	

WAYS AND MEANS—15 Members

Bolkcom, Chair	Bartz	Hogg	Quirnbach
Seng*	Black	Jochum	Smith
Feenstra**	Chelgren	Mathis	Zaun
Anderson	Dotzler	McCoy	

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

Jochum, Chair	Bartz**	Ernst
Danielson*	Bowman	

AGRICULTURE AND NATURAL RESOURCES

Black, Chair	Houser**	Wilhelm
Dearden*	Hahn	

ECONOMIC DEVELOPMENT

Dotzler, Chair	Boettger**	Mathis
Seng*	Bertrand	

EDUCATION

Schoenjahn, Chair	Dix**	Horn
Quirnbach*	Hamerlinck	

HEALTH AND HUMAN SERVICES

Hatch, Chair	Johnson**	Bolkcom
Ragan*	Bacon	

JUSTICE SYSTEM

Hancock, Chair	Seymour**	Smith
Hogg*	Fraise	

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

McCoy, Chair	Kapucian**	Dvorsky
Beall*	Anderson	

SENATORS AND THEIR RESPECTIVE COMMITTEES

ANDERSON, Bill	Commerce, Ranking Member Labor and Business Relations Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee
BACON, Robert	Economic Growth/Rebuild Iowa Human Resources Local Government Veterans Affairs Health and Human Services Appropriations Subcommittee
BARTZ, Merlin	Appropriations Local Government, Ranking Member Rules and Administration Ways and Means Administration and Regulation Appropriations Subcommittee, Ranking Member
BEALL, Daryl	Commerce Education Local Government, Vice Chair Transportation Veterans Affairs, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair

BEHN, Jerry	Ethics Rules and Administration, Ranking Member
BERTRAND, Rick	Commerce Economic Growth/Rebuild Iowa Labor and Business Relations State Government Economic Development Appropriations Subcommittee
BLACK, Dennis	Agriculture Appropriations Natural Resources and Environment, Vice Chair Veterans Affairs Ways and Means Agriculture and Natural Resources Appropriations Subcommittee, Chair
BOETTGER, Nancy	Appropriations Education Human Resources Judiciary, Ranking Member Economic Development Appropriations Subcommittee, Ranking Member
BOLKCOM, Joe	Appropriations Commerce Human Resources Natural Resources and Environment Ways and Means, Chair Health and Human Services Appropriations Subcommittee
BOWMAN, Tod	Agriculture Economic Growth/Rebuild Iowa Education Local Government Transportation, Vice Chair Administration and Regulation Appropriations Subcommittee
CHELGREN, Mark	Economic Growth/Rebuild Iowa Labor and Business Relations State Government Ways and Means
COURTNEY, Thomas	Agriculture Commerce Government Oversight, Chair Labor and Business Relations Local Government Rules and Administration

DANIELSON, Jeff	Appropriations Economic Growth/Rebuild Iowa Rules and Administration State Government, Chair Transportation Veterans Affairs, Vice Chair Administration and Regulation Appropriations Subcommittee, Vice Chair
DEARDEN, Dick	Labor and Business Relations Natural Resources and Environment, Chair Rules and Administration State Government Transportation Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
DIX, Bill	Appropriations, Ranking Member Judiciary State Government Education Appropriations Subcommittee, Ranking Member
DOTZLER, William	Appropriations Economic Growth/Rebuild Iowa, Vice Chair Human Resources Labor and Business Relations Ways and Means Economic Development Appropriations Subcommittee, Chair
DVORSKY, Robert	Appropriations, Chair Education Judiciary Rules and Administration Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee

ERNST, Joni	Local Government Natural Resources and Environment Transportation Veterans Affairs Administration and Regulation Appropriations Subcommittee
FEENSTRA, Randy	Commerce Education State Government Ways and Means, Ranking Member
FRAISE, Gene	Agriculture, Vice Chair Appropriations Ethics, Vice Chair Judiciary, Chair Labor and Business Relations State Government Justice System Appropriations Subcommittee
GREINER, Sandra	Agriculture Economic Growth/Rebuild Iowa, Ranking Member Government Oversight Veterans Affairs
GRONSTAL, Michael	Rules and Administration, Chair
HAHN, James	Agriculture Natural Resources and Environment, Ranking Member Transportation Agriculture and Natural Resources Appropriations Subcommittee
HAMERLINCK, Shawn	Education, Ranking Member Local Government Natural Resources and Environment Education Appropriations Subcommittee
HANCOCK, Tom	Agriculture Appropriations Judiciary Natural Resources and Environment Transportation Justice System Appropriations Subcommittee, Chair

HATCH, Jack	<p>Appropriations Economic Growth/Rebuild Iowa Human Resources Labor and Business Relations State Government Health and Human Services Appropriations Subcommittee, Chair</p>
HOGG, Robert	<p>Appropriations Education Judiciary, Vice Chair Natural Resources and Environment Ways and Means Justice System Appropriations Subcommittee, Vice Chair</p>
HORN, Wally	<p>Economic Growth/Rebuild Iowa Judiciary Labor and Business Relations, Chair State Government Veterans Affairs Education Appropriations Subcommittee</p>
HOUSER, Hubert	<p>Agriculture Appropriations Transportation Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member</p>
JOCHUM, Pam	<p>Appropriations Human Resources Judiciary Labor and Business Relations, Vice Chair State Government Ways and Means Administration and Regulation Appropriations Subcommittee, Chair</p>
JOHNSON, David	<p>Agriculture, Ranking Member Appropriations Education Human Resources Health and Human Services Appropriations Subcommittee, Ranking Member</p>

KAPUCIAN, Tim	Agriculture Appropriations Natural Resources and Environment Transportation, Ranking Member Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Ranking Member
KETTERING, Steve	Appropriations Commerce Ethics
KIBBIE, John	Agriculture Ethics, Chair Government Oversight Rules and Administration, Vice Chair State Government, Vice Chair Veterans Affairs
MATHIS, Liz	Commerce Economic Growth/Rebuild Iowa Human Resources Ways and Means Economic Development Appropriations Subcommittee
MCCOY, Matthew	Appropriations, Vice Chair Commerce, Chair State Government Transportation Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair
MCKINLEY, Paul	Ethics, Ranking Member Rules and Administration
QUIRMBACH, Herman	Education, Chair Human Resources Judiciary Local Government Ways and Means Education Appropriations Subcommittee, Vice Chair
RAGAN, Amanda	Appropriations Human Resources, Chair Natural Resources and Environment Rules and Administration Veterans Affairs Health and Human Services Appropriations Subcommittee, Vice Chair

RIELLY, Tom	Agriculture Commerce, Vice Chair Economic Growth/Rebuild Iowa Local Government Transportation, Chair
SCHOENJAHN, Brian	Appropriations Commerce Education, Vice Chair Local Government Natural Resources and Environment Education Appropriations Subcommittee, Chair
SENG, Joe	Agriculture, Chair Commerce Ethics Natural Resources and Environment Ways and Means, Vice Chair Economic Development Appropriations Subcommittee, Vice Chair
SEYMOUR, James	Appropriations Human Resources, Ranking Member Veterans Affairs, Ranking Member Justice System Appropriations Subcommittee, Ranking Member
SMITH, Roby	Education State Government Ways and Means Justice System Appropriations Subcommittee
SODDERS, Steven	Economic Growth/Rebuild Iowa, Chair Education Government Oversight, Vice Chair Judiciary State Government Veterans Affairs
SORENSEN, Kent	Government Oversight, Ranking Member Judiciary Natural Resources and Environment State Government, Ranking Member
WARD, Pat	Commerce Economic Growth/Rebuild Iowa Judiciary Labor and Business Relations, Ranking Member

WHITVER, Jack

Economic Growth/Rebuild Iowa
Human Resources
Judiciary

WILHELM, Mary Jo

Commerce
Economic Growth/Rebuild Iowa
Education
Human Resources, Vice Chair
Local Government, Chair
Agriculture and Natural Resources
Appropriations Subcommittee

ZAUN, Brad

Commerce
Rules and Administration
Transportation
Ways and Means

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 9, 2012

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2012 Regular Session of the Eighty-fourth General Assembly convened at 10:04 a.m. The Senate was called to order by President Kibbie.

Prayer was offered by Father Clem Currans of the Holy Family Catholic Church in Emmetsburg, Iowa. He was the guest of Senator Kibbie.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Senator Gene Fraise.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber Congressman Loeb sack.

The Senate rose and expressed its welcome.

President Kibbie introduced to the Senate chamber Congressman Braley.

The Senate rose and expressed its welcome.

President Kibbie introduced to the Senate chamber former Senators John Judge and Patrick J. Deluhery.

The Senate rose and expressed its welcome.

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

Good morning and welcome to the beginning of the 2012 session. I have no doubt that we will be able to accomplish our work in a timely manner and adjourn with results that will benefit our fellow citizens.

I believe we should focus this session on building upon the initiatives we have already begun and addressing the needed investments that will ensure we have a workforce ready to fill the jobs our economy requires. If we do nothing else this session, we must continue to expand our production and use of renewable fuels; begin to repair our neglected infrastructure needs; make a substantial investment in training a skilled workforce; find a compromise that begins the reform of our commercial property tax system; and complete the redesign of our Mental Health System.

We can accomplish all these desired goals because previous legislatures have been good stewards of the state's financial resources. Almost any other state would be happy to trade places with Iowa because we have a healthy bottom line and our savings accounts are full. Our unemployment is going down and the cornerstone of our economy, agriculture, has never been in a stronger position.

The first area I mentioned for work this year was renewable fuels. We have built 41 ethanol plants and 14 biodiesel plants in the last 10 years under three administrations without barriers from our regulators. The economic benefit to Iowa from these efforts is \$14 billion dollars annually. This does not include a very successful wind energy effort which is growing every day. These initiatives related to renewable energy have produced 100,000 good paying jobs and there is ample room for expansion and growth.

The second area of focus is to begin to repair the state's infrastructure. According to a report from the American Society of Civil Engineers, we have 27% of our bridges either structurally deficient or functionally obsolete; 41% of our major roads are in poor or mediocre condition; 38% of our major urban highways are congested; traffic on our highways has increase 57% over a 15 year period; and, we face a \$27 billion transportation funding shortage in the next two decades. No one disputes the extent of this problem and it is time for us to step up and have the courage to increase the gas tax so that we have dedicated funding to begin to address the backlog. I believe there is bipartisan support for this and close to a fifth of the money received will be from non-Iowans who use our roads. We are 34th in fuel tax rates and each penny generates \$22 million. These funds will help generate badly need jobs in the construction industry and we cannot afford to delay or study any longer.

The third area of focus, and I believe the most important, is to begin to address our skilled workforce shortage. In the farm crisis of the 1980's, Iowa lost population because there were no jobs for the unemployed. In this recession and recovery, we face a time where there are jobs, but where there are not workers with the skills to fill them. I believe we need to make a substantial investment in job training and retraining and the best way to do that is through our community college system. The Community Colleges serve 14% of our total population and 23% of our working population and while enrollment has increased by 71% over the last ten years, per pupil funding has decreased by 41%. State General Fund aid has fallen dramatically to only 28% of Community College revenue while student tuition and fees have almost doubled in the last decade. Our tuition rate is now the 8th highest in the country and the local tax contribution to the community colleges has been the same since 1967. In Iowa it has been estimated that by 2012, we will have in excess of 150,000 more jobs

than workers to fill them. Stagnant population growth, retirements, and shortages of skilled workers are the key reason. Our skilled work force shortage is real. These skill shortages vary in different parts of the state. We must develop regional work force plans that adopt programs and training in the skills needed in a particular region. Most applicants today lack the basic and occupational skills to fill open positions. As a result, businesses are struggling to recruit skilled and technical workers. If we are to meet the ambitious goal set by the Governor to create 200,000 new jobs, this effort is crucial. I will be proposing legislation to set up a program, with dedicated long term funding, that will be administered by the College Student Aid Commission that is aimed at directly addressing this important job creation strategy. I know we will be looking at proposals from the Governor regarding K-12 reform and I don't think this initiative deters us from giving that proposal a full and fair hearing.

Fourth, we need to find common ground on the issue of commercial property tax relief. In the 2011 session, by a vote of 46-4, SF 522 passed the Senate in which four out of five (83%) of all commercial property tax payers in the state of Iowa would receive a tax credit making the net taxation rate the SAME rate as residential property, which is about 55 percent of assessed value. This will be a 45 percent CUT in current commercial property tax rates. Because this is a state-funded tax credit, there would be no direct or indirect tax shift onto residential property taxpayers. The House amended that version and has sent it back to us. I am sure we will hear from Governor Branstad on this issue, and when we do we all need to sit down together and craft the appropriate solution which helps small business and does not penalize local government and school districts.

Lastly, I want to commend the bipartisan efforts that have occurred over the interim with legislative members, the Department of Human Services and all the stakeholders to present a proposal to change the Mental Health Delivery System. This is something long overdue and I am confident we can get it done.

While this may seem like an ambitious agenda, I am sure much of the work we did last year sets up a scenario whereby we can move forward and make this a very successful session. The will be the last session for many of us so let's make this second session of the 84th General Assembly one that historian's will write about.

In closing, you all know I have said this is my last session. It has been a privilege to serve in this institution for the last 24 years and as President of the Senate for the last eight years. I have enjoyed my time here and wish all of you the very best in the future.

Thank you.

REMARKS BY THE MAJORITY LEADER

Senator Gronstal addressed the Senate with the following remarks:

Thank you, Mr. President.

I'd like to welcome the members of the Senate and the Senate staff to the 2012 session of the Iowa Legislature.

My goal is a short, productive session. We should focus on doing all government can do to help Iowans create jobs and grow our economy.

Here are my top three priorities.

One, help Iowa businesses create jobs by cutting commercial property taxes.

Last year, Senate Democrats and Senate Republicans put aside partisan bickering when we voted to cut property taxes IN HALF for four out of five businesses.

It is the only proposal that does not simply shift more of the cost of local schools and local services onto the backs of homeowners and farmers. That's because the Senate's property tax is paid for.

Most importantly, the Senate's property tax cut focuses the help on the people who need it, Iowa's small and Main Street businesses. That's why it passed the Senate on an overwhelmingly bipartisan vote of 46 to 4.

Now's the time to help create jobs in Iowa by cutting commercial property taxes.

Governor Branstad and members of the Iowa House, the Democratic and Republican members of the Iowa Senate are ready to help you get it done.

Two, we should help create Iowa jobs by improving Iowa education.

The ultimate goal of education reform isn't higher test scores.

It is a more talented, more productive, more competitive workforce. It is the nurturing of more inventive, innovative Iowa entrepreneurs.

Democrats and Republicans agree that the ultimate goal of education reform is a stronger state economy. That's why Iowans have always invested in educational opportunity. Talented, skilled workers are the base upon which our economy is built.

That's why we must do more to recruit, develop and support great teachers. That's why we must expand access to math and science education. That's why we must make college more affordable.

The simple truth is that one of the BEST THINGS the Iowa Legislature can do to help create jobs is to increase student achievement.

I look forward to working with Governor Branstad, with the members of the Iowa House, and with Iowa's parents and educators to KEEP improving Iowa's schools.

Three, the Iowa Legislature can help create jobs by finishing work on the job creation legislation which is awaiting action in the Iowa House.

The House should join the Senate by also voting for proposals to:

- Help 60,000 Iowa businesses grow by providing a state tax credit to defray the cost of employee health insurance.
- Provide low interest loans to small businesses struggling to recover from the national recession.
- Help Iowans earn industry-approved job training certificates to prepare them for 21st century jobs.
- Jumpstart Iowa's clean energy industry through consumer rebates for home and business small solar or small wind projects.
- Make sure the benefits of rules and regulations outweigh the costs on employers and workers.

These are five good ideas that will help create Iowa jobs. Let's move quickly to send them to Governor Branstad for his signature.

I want to take a moment to recognize two Linn County legislators, Senator Wally Horn and Senator Liz Mathis. This is Senator Horn's 40th year of service as a member of the Legislature. And this is Senator Mathis' first day on the job.

Senator Horn was a high school teacher, coach and administrator before he became a member, and a leader of the Iowa Legislature. Senator Horn's experience and deep knowledge as a veteran legislator help him frequently provide wise counsel on a wide variety of issues.

Senator Mathis is an advocate for children and families, and a former local journalist. Thanks to her, and other Iowans who enter the stormy seas of public life, the Legislature is continually refreshed by new insights and new perspectives.

Please join me recognizing Senator Horn for his 40 years of service and in welcoming Senator Mathis to the Iowa Senate.

REMARKS BY THE MINORITY LEADER

Senator Behn addressed the Senate with the following remarks:

Thank you Mr. President.

Colleagues, friends, family and all Iowans:

Winston Churchill once famously said, "Courage is the first of human qualities because it is the quality that guarantees all the others."

As we meet again today to commence the people's business, we must summon the courage to put aside our differences to work in a spirit of true bi-partisanship.

Without courage we cannot face the enormous challenges that exist and bring about the measurable results that Iowans expect and deserve.

The challenges that face our beloved state require bold thinking, fresh ideas and an ability to listen carefully.

We must listen not only to what our colleagues have to say - but most especially to those 60,000 bosses that are back home in each of our districts, counting on us always do what is right for their families, neighborhoods, communities and schools.

Before we take any action here under the golden dome, they want us to ask, "How will this provide fewer hassles, more choices, more money, more time and fewer worries for our constituents back home?"

As we start this new session, we still have over 100,000 Iowans out of work. We still have some of the highest property taxes in the nation. We have an education system that is still revered but is quickly losing its global competitiveness. We have a government that can and should always become more efficient and more effective.

In the last year, we made some good first steps but it is just that—first steps.

After years of overspending, we tightened the belt and started to get our budget back under control. We began a serious discussion about the burdensome government rules and regulations that are hampering job growth and we put in place the Iowa Partnership for Economic Progress, which will be another tool that can be used to bring more economic development to our neighborhoods and communities.

However, we are just getting started.

The best is yet to come.

As Senate Republicans, we intend to have a laser-like focus on job creation and career development this session and we hope our colleagues across the aisle will join with us to allow a rigorous debate on these issues.

Now is not the time to obstruct debate or say "No" to good ideas, just because they came from the other side of the aisle.

Now is the time to focus on several big areas of concentration: a balanced budget that spends less than we take in without raising taxes, broad based property tax relief and government rule and regulation reform.

First and foremost, we must continue our work to have a balanced budget again, one that does not spend more than we take in and does not raise taxes. Just as hardworking Iowa taxpayers tighten their belts, so too should government. We must continue to wean ourselves off the practice of using one-time dollars for ongoing expenses and continue to provide transparency and accountability.

The days of overspending and the resultant devastating across the board cuts are over. We must fund the core services of government, invest in the priorities Iowans care about and eliminate waste. Our budgeting decisions should not just be about this year—we must think about the next decade and the next generation.

The reason I ran for the Senate is because of my four children and is now my four grandchildren. I want them to be able to grow up in Iowa—in safe communities with

good schools and as they get older—be able to find a good job and build a rewarding career right here if they so choose.

That is why we must give our job creators and entrepreneurs the tools necessary to succeed and make our state the most attractive and competitive not just in this country—but in the entire world.

Accomplishing that begins with broad based property tax relief. We cannot afford to have property tax rates that rival that of downtown New York City. A property tax system that simply shifts around the tax burden, picks winners and losers, relies on state revenue triggers and onerous handwritten applications will not work and is not acceptable.

Instead, Senate Republicans look forward to working closely with Governor Branstad, our colleagues in the House of Representatives and those Senate Democrats willing to be guided by something other than the party line in order to provide genuine and authentic property tax relief to hardworking Iowa taxpayers.

Along with property tax reform and responsible budgeting comes removing some of the barriers to growth by getting a handle on our increasingly burdensome government rules and regulations. Last session, Senate Republicans spearheaded an effort to go across the state to hear directly from Iowans about how government red tape is holding back their success.

We have put together a number of serious reforms that would make Iowa more competitive and give hardworking Iowans a greater seat at the table. We look forward to presenting these bold reforms and having a real and substantive debate on their merits.

However, this Senate will certainly be asked to work on other important endeavors as well.

We must have the courage to tackle challenges that exist in education, health care, clean energy, agriculture and with our natural resources. We must do better in providing oversight, protecting life, promoting freedom, liberty and opportunity. We should give Iowans a vote on the basic definition of marriage and we must never stop trying to make our government more open and transparent.

We must also challenge ourselves to guarantee ample public safety and ensure that we have roads, bridges and infrastructure that are safe, reliable and capable of supporting the Iowa economy of the future.

Yet with all the challenges we face, I love this state. We are a state that has unquantifiable potential and so many wonderful assets.

All of us should be proud of what we have to offer.

We have Interstate highways that run coast to coast and border to border, barge traffic with locks and dams and a double track railroad across our state.

We have the finest natural resources, the most productive soils and ample water supplies.

We have great manufacturing, agriculture, agribusiness, insurance and banking sectors.

We have incredible institutions of higher learning—the University of Iowa produces some of the world's best doctors and lawyers. Iowa State University provides some of the finest engineers and scientists and the University of Northern Iowa some of the best teachers and business leaders. We have great community colleges and private colleges that provide so much value, training and workforce development.

Yet, without question, the people of Iowa are truly this state's greatest asset—their independence, self-reliance, honesty, resilience, work ethic, volunteerism and concern and care for others should serve as an inspiration to us every day we are here on their behalf.

We have incredible, hardworking people in all 947 communities doing extraordinary things to renew the promise that exists in all 99 counties.

These Iowans just want to make a good living and raise their families and they deserve a government that respects, appreciates and encourages them.

I can say with confidence that this Senate Republican caucus is very representative of the people of this state and we are ready and eager to work hard to make Iowa an even greater place to build a rewarding career and raise a healthy family.

I may be new to this position but I am not new to the Senate.

However, I can say with the utmost assurance that in my 15 years here, this is the most talented caucus I have ever been a part of and we have had some great ones.

It is an honor and privilege to represent my central Iowa constituents and to be a part of such an entrepreneurial caucus of individuals—many of whom are current or former employers with the expertise, knowledge and experience needed make Iowa the envy of the world.

Mr. President, as I close this morning, I want to welcome and congratulate our newest colleague, Senator Liz Mathis. I wish to welcome all the clerks, pages, door keepers and all the other staff who work so hard every day to keep us on track.

I hope that as we work in these weeks and months ahead, all 50 of us will have the courage each day to do what is right for those we were elected to serve.

Thank you very much, may God bless our great state and may God bless America.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communication the Senate might be ready to transmit.

COMMITTEE TO NOTIFY THE HOUSE

Senator Gronstal moved that a committee of three be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Courtney, Chair; Dvorsky, and Anderson.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal moved that a committee of three be appointed to notify the Governor that the Senate was organized and ready to receive any communication that he might be ready to transmit.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Quirmbach, Chair; Schoenjahn, and Bertrand.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:35 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:44 a.m., President Kibbie presiding.

SUPPLEMENTAL REPORT OF OFFICERS AND EMPLOYEES OF THE SENATE

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent officers and employees of the Senate for the 2012 Session of the Eighty-fourth General Assembly:

Secretary of the Senate's Office

Administrative Services AssistantMegan Bendixen
Administrative Services Assistant Kathy Stachon

Democratic Leader's Office

Admin. Secretary to LeaderJoanne Walton

Republican Caucus

Legislative Research Analyst..... Eric Johansen

Sergeant-at-Arms

Doorkeeper Katie DeLaughter
Doorkeeper Dale Schroeder

Secretaries to Senators

Committee Secretary Rachele Bahl
Committee Secretary Molly Clause
Committee SecretaryDemaree Donaghu
Committee SecretaryNatasha Dutta
Committee SecretaryMorgan Miller
Committee Secretary Megan Pederson
Committee Secretary Shirley Prall
Committee Secretary Ashley Zitzner

Secretary Tyler Ackerson
 Secretary Jared Adam
 Secretary Suzanne Behnke
 Secretary Jeremy Danilson
 Secretary Judy Gardner
 Secretary Chelsea Herrmann
 Secretary Mary Ira
 Secretary Taryn Randall
 Secretary Nathaniel Repay
 Secretary Laurel Rhame
 Secretary Jessica Rundlett
 Secretary Ryan Staley

MICHAEL E. GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and appointment of the permanent officers and employees of the Senate.

The motion prevailed by a voice vote, and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn to their oaths of office.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Quirnbach reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

APPOINTMENT OF PAGES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as Pages for the Senate for the 2012 Session of the Eighty-fourth General Assembly:

- Hailey Albert, Victor
- MacKenzie Bills, Altoona
- Taylor Broshar, Waterloo
- Thomas Day, Davenport
- Sean Duff, Clive
- Iry Eicher, Fort Madison
- Shannon Goes, Ankeny

Jordan Grube, Mason City
 Katie Jaeschke, Gowrie
 Nina Liu, Urbandale
 Rachel Mortimer, Carlisle
 Peggy Osmundson, Volga
 Adam Pitts, Cherokee
 Britney Samuelson, Newton

MICHAEL E. GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate Pages.

The motion prevailed by a voice vote, and the foregoing Senate Pages appeared before the bar of the Senate and were duly sworn to their oaths of office.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Courtney reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:58 a.m. until 9:00 a.m., Tuesday, January 10, 2012.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following names of officers and employees of the Senate for the Eighty-fourth General Assembly, 2012 Session, and their respective classifications, grades, and steps:

		<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Admin. Services Assistant	Megan Bendixen	P-FT	20	1
Admin. Services Assistant	Kathy Stachon	S-O	20	3
Admin. Secretary to Leader	Joanne Walton	S-O	21	1
Legislative Research Analyst	Eric Johansen	P-FT	27	1

Doorkeeper	Katie DeLaughter	S-O	11	1
Doorkeeper	Dale Schroeder	S-O	11	1
Legis. Committee Secretary	Rachelle Bahl	S-O	17	1
Legis. Committee Secretary	Molly Clause	S-O	18	1
Legis. Committee Secretary	Demaree Donaghu	S-O	18	1
Legis. Committee Secretary	Natasha Dutta	S-O	18	1
Legis. Committee Secretary	Morgan Miller	S-O	18	1
Legis. Committee Secretary	Megan Pederson	S-O	17	1
Legis. Committee Secretary	Shirley Prall	S-O	18	1
Legis. Committee Secretary	Ashley Zitzner	S-O	18	1
Legislative Secretary	Tyler Ackerson	S-O	16	1
Legislative Secretary	Jared Adam	S-O	16	1
Legislative Secretary	Suzanne Behnke	S-O	15	1
Legislative Secretary	Jeremy Danilson	S-O	15	1
Legislative Secretary	Judy Gardner	S-O	15	3
Legislative Secretary	Chelsea Herrmann	S-O	18	1
Legislative Secretary	Mary Ira	S-O	16	1
Legislative Secretary	Taryn Randall	S-O	18	1
Legislative Secretary	Nathaniel Repay	S-O	17	1
Legislative Secretary	Laurel Rhame	S-O	17	1
Legislative Secretary	Jessica Rundlett	S-O	16	2
Legislative Secretary	Ryan Staley	S-O	16	1
Page	Hailey Albert	S-O	9	1
Page	MacKenzie Bills	S-O	9	1
Page	Taylor Broshar	S-O	9	1
Page	Thomas Day	S-O	9	1
Page	Sean Duff	S-O	9	1
Page	Iry Eicher	S-O	9	1
Page	Shannon Goes	S-O	9	1
Page	Jordan Grube	S-O	9	1
Page	Katie Jaeschke	S-O	9	1
Page	Nina Liu	S-O	9	1
Page	Rachel Mortimer	S-O	9	1
Page	Peggy Osmundson	S-O	9	1
Page	Adam Pitts	S-O	9	1
Page	Britney Samuelson	S-O	9	1

MICHAEL E. GRONSTAL, CHAIR

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and effective dates of Senate employees:

Sr. Admin. Asst. to Ldr. I	Debbie Kattenhorn	Step 5 to Step 6 Effective 1/12
Sr. Research Analyst	Bridget Godes	Step 4 to Step 5 Effective 1/12
Sr. Research Analyst	Julie Simon	Step 4 to Step 5 Effective 1/12

Research Analyst III	Sue Foecke	Step 1 to Step 2 Effective 1/12
Research Analyst III	Cathy Engel	Step 1 to Step 2 Effective 1/12
Research Analyst II to Research Analyst III	Jace Mikels	Grade 32, Step 3 to Grade 35, Step 1 Effective 1/12
Research Analyst II to Research Analyst III	Erica Shorkey	Grade 32, Step 5 to Grade 35, Step 3 Effective 1/12
Admin. Assist. to Leader II	Don McDowell	Step 2 to Step 3 Effective 1/12
Admin. Assist. to Leader II	Nicole Woodroffe	Step 3 to Step 4 Effective 6/12
Caucus Staff Director to Sr. Caucus Staff Director	John Hodges	Grade 38, Step 6 to Grade 41, Step 4 Effective 6/12
Sr. Research Analyst	Jim Friedrich	Step 6 to Step 7 Effective 1/12
Sr. Research Analyst	Russell Trimble	Step 5 to Step 6 Effective 9/12
Research Analyst III to Sr. Research Analyst	Tom Ashworth	Grade 35, Step 4 to Grade 38, Step 2 Effective 1/12
Research Analyst I to Research Analyst II	Kirsten Anderson	Grade 29, Step 4 to Grade 32, Step 2 Effective 1/12
Research Analyst I to Research Analyst II	Josh Bronsink	Grade 29, Step 4 to Grade 32, Step 2 Effective 6/12
Research Analyst to Research Analyst I	Gannon Hendrick	Grade 27, Step 2 to Grade 29, Step 1 Effective 6/12
Research Analyst	Eric Johansen	Step 1 to Step 2 Effective 4/12
Assist. Sec. of Senate II to Assist. Sec. of Senate III	Janet Hawkins	Grade 35, Step 2 to Grade 38, Step 1 Effective 1/12
Sr. Finance Officer III	Lois Brownell	Step 4 to Step 5 Effective 1/12
Admin. Services Officer III	Kathy Olah	Step 5 to Step 6 Effective 1/12
Admin. Services Officer to Admin. Services Officer I	Maureen Taylor	Grade 23, Step 5 to Grade 26, Step 3 Effective 1/12
Admin. Services Officer to Admin. Services Officer I	Betty Shea	Grade 23, Step 4 to Grade 26, Step 2 Effective 1/12
Admin. Services Officer to Admin. Services Officer I	Angie Cox	Grade 23, Step 4 to Grade 26, Step 2 Effective 1/12
Admin. Services Officer	Jennifer Beminio	Step 1 to Step 2 Effective 1/12
Admin. Services Officer	Jesse Hughes	Step 1 to Step 2 Effective 1/12

Admin. Services Assistant	Megan Bendixen	Step 1 to Step 2 Effective 6/12
Admin. Services Assistant	Kathy Stachon	Step 3 to Step 4 Effective 1/12
Assist. Sgt.-At-Arms to Sgt.-At-Arms	Gerald Carlson	Grade 14, Step 4 to Grade 17, Step 4 Effective 1/12
Doorkeeper	James Douglas	Step 3 to Step 4 Effective 1/11
Doorkeeper	Carl Langbehn	Step 6 to Step 7 Effective 1/11
Doorkeeper	Frank Loeffel	Step 4 to Step 5 Effective 1/12
Administrative Secretary to Leader	Isobel Osius	Step 1 to Step 2 Effective 1/11
Legislative Secretary to Admin. Sec. to Leader	Marce Huhn	Grade 16, Step 5 to Grade 21, Step 5 Effective 1/12
Administrative Secretary to Leader	Joanne Walton	Step 1 to Step 2 Effective 2/12
Switchboard Operator to Legis. Comm. Secretary	Nancy Ford	Grade 14, Step 1 to Grade 18, Step 1 Effective 1/12
Legislative Committee Secretary	Anne Marie Burnett	Step 1 to Step 2 Effective 3/12
Legislative Committee Secretary	Angie DePaepe	Step 5 to Step 6 Effective 2/12
Legislative Committee Secretary	Andrew Fay	Step 1 to Step 2 Effective 4/12
Legislative Committee Secretary	Jodi Grover	Step 1 to Step 2 Effective 1/11
Legislative Committee Secretary	Rebecca Hoepfner	Step 2 to Step 3 Effective 3/12
Legislative Committee Secretary	Alan Kessler	Step 1 to Step 2 Effective 4/12
Legislative Committee Secretary	Amanda Lynch	Step 1 to Step 2 Effective 4/12
Legislative Committee Secretary	Shirley Prall	Step 1 to Step 2 Effective 2/12
Legislative Committee Secretary	LuAnn Randleman	Step 6 to Step 7 Effective 1/11
Legislative Committee Secretary	Christian Zenti	Step 1 to Step 2 Effective 1/12
Legislative Secretary	Mary Lou Aspengren	Step 5 to Step 6 Effective 2/11
Legislative Secretary	Sharon Beem	Step 1 to Step 2 Effective 1/11
Legislative Secretary	David Boettger	Step 4 to Step 5 Effective 4/11
Legislative Secretary	Christopher Dorr	Step 1 to Step 2 Effective 4/12
Legislative Secretary	Judy Gardner	Step 3 to Step 4 Effective 1/12

Legislative Secretary	Steve Hensler	Step 1 to Step 2 Effective 4/12
Legislative Secretary	Paula Houser	Step 4 to Step 5 Effective 1/11
Legislative Secretary	Ryan Howard	Step 1 to Step 2 Effective 4/12
Legislative Secretary	Ellen Larson	Step 3 to Step 4 Effective 1/12
Legislative Secretary	Sarah Moore	Step 1 to Step 2 Effective 3/12
Legislative Secretary	Ann Stock	Step 3 to Step 4 Effective 1/11
Legislative Secretary	Katherine Tenner	Step 1 to Step 2 Effective 1/12
Bill Clerk	Jay Mosher	Step 6 to Step 7 Effective 1/12
Postmistress	Leila Carlson	Step 2 to Step 3 Effective 2/12
Switchboard Operator	JoAnn Larson	Step 3 to Step 4 Effective 1/11
Switchboard Operator	Christine Porter	Step 1 to Step 2 Effective 3/12

MICHAEL E. GRONSTAL, CHAIR

SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

MR. PRESIDENT: Pursuant to Section 2.10, Code 2011, the following has been determined to be the set or updated mileage to which Senators are entitled for the Eighty-fourth General Assembly, 2012 Session:

<u>NAME</u>	<u>ROUND TRIP MILES</u>
ERNST, Joni	248
MATHIS, Liz	268
SORENSEN, Kent	60
WHITVER, Jack	0

COMMITTEE ON MILEAGE

Senator Seng, Chair	Senator Smith
Senator Bertrand	Senator Wilhelm

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

BOARD OF PHARMACY

Iowa Prescription Monitoring Program Annual Report, pursuant to Iowa Code section 124.554(2). Report received on December 30, 2011.

BOARD OF REGENTS

FY 2011 Cooperative Purchasing Plan, pursuant to Iowa Code section 262.9B. Report received on November 1, 2011.

2010–2011 Annual Report for College Bound and IMAGES Programs, pursuant to Iowa Code sections 261.101, 262.92, and 262.93. Report received on January 5, 2012.

FY 2011 Annual Report on Articulation Efforts, pursuant to 2009 Iowa Acts, HF 815. Report received on January 9, 2012.

Report on Statewide Research and Development School Transition, pursuant to 2009 Iowa Acts, SF 470, Section 56. Report received on January 9, 2012.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Interim Report on State Employee Retirement Incentive Program, pursuant to 2010 Iowa Acts, SF 2062, section 1(5c). Report received on October 14, 2011.

2011 Annual Capitol Planning Commission Report, pursuant to Iowa Code section 8A.373. Report received on December 9, 2011.

DEPARTMENT OF COMMERCE (DIVISION OF BANKING)

Qualified Student Loan Bond Issuer Report, pursuant to Iowa Code section 7C.13(6). Report received on December 29, 2011.

DEPARTMENT OF COMMERCE (INSURANCE DIVISION)

2010 Report on Medical Malpractice, pursuant to Iowa Code section 505.27. Report received on December 2, 2011.

Annual Report on Costs for Health Insurance Plans, pursuant to Iowa Code section 505.18. Report received on December 7, 2011.

DEPARTMENT OF CORRECTIONS

Electronic Monitoring Report, pursuant to 2006 Iowa Acts, SF 510. Report received on December 6, 2011.

DEPARTMENT OF ECONOMIC DEVELOPMENT

2011 Second Quarter Report on the Activities of the Iowa Commission on Volunteer Service, pursuant to Iowa Code section 15H.2(3h). Report received on August 17, 2011.

DEPARTMENT OF EDUCATION

Disaster Waiver Report, pursuant to Iowa Code section 256.9. Report received on November 9, 2011.

Report on Charter and Innovation Zone Schools in Iowa, pursuant to Iowa Code section 256F.10. Report received on December 1, 2011.

2011 Autism Council Recommendations, pursuant to Iowa Code section 256.35A(4). Report received on December 14, 2011.

2011–2012 Iowa Early Intervention Block Grant Program Report, pursuant to 1999 Iowa Acts, HF 743, Section 3. Report received on January 9, 2012.

DEPARTMENT OF HUMAN RIGHTS

Public Safety Advisory Board Report to the General Assembly, pursuant to Iowa Code section 216A.133A. Report received on December 14, 2011.

DEPARTMENT OF HUMAN SERVICES

Iowa Medicaid Drug Utilization Review Commission Annual Report, pursuant to Iowa Code section 249A.24(3). Report received on October 31, 2011.

Final Report of Iowa Mental Health and Disability Services System Redesign, pursuant to 2011 Iowa Acts, SF 525, Division I. Report received on December 9, 2011.

Medicaid Uniform Cost Report, pursuant to 2011 Iowa Acts, HF 649. Report received on December 12, 2011.

Analysis of All Payer Claims Database for the State of Iowa, pursuant to 2011 Iowa Acts, HF 649, Section 108. Report received on December 15, 2011.

Funding Report on Iowa Medicaid Enterprise Home and Community Based Services, pursuant to 2011 Iowa Acts, HF 649. Report received on December 15, 2011.

Juvenile Detention Home Fund Report, pursuant to 2011 Iowa Acts, HF 649, Section 17. Report received on December 15, 2011.

Recommendation for Pharmacy Reimbursement Methodology Change, pursuant to 2011 Iowa Acts, HF 649, Division V, Section 10(4). Report received on December 15, 2011.

Report on Electronic Records, Documentation, and Billing, pursuant to 2011 Iowa Acts, HF 649, Division V, Section 37(11). Report received on December 15, 2011.

Summary of Charge from House File 562, pursuant to 2011 Iowa Acts, HF 562, Section 7. Report received on December 15, 2011.

Summary of Charge from House File 608, pursuant to 2011 Iowa Acts, SF 482, Division VIII, Section 12. Report received on December 15, 2011.

Psychiatric Medical Institutions for Children Transition Plan, pursuant to 2011 Iowa Acts, SF 525, Division III. Report received on December 28, 2011.

Independent Living Services Annual Report, pursuant to Iowa Code section 234.35(4). Report received on December 29, 2011.

Home and Vehicle Modification Funding Recommendations, pursuant to 2010 Iowa Acts, SF 2267. Report received on December 29, 2011.

DEPARTMENT OF INSPECTIONS AND APPEALS

Report on Expansion of Divestiture Program Staffing, pursuant to 2010 Iowa Acts, SF 2367. Report received on January 6, 2012.

DEPARTMENT OF JUSTICE

2010 Annual Report of the Administrator of the Iowa Consumer Credit Code, pursuant to Iowa Code section 537.6104(5). Report received on August 8, 2011.

Letters of Authorization, pursuant to Iowa Code section 68B.36. Report received on December 28, 2011.

First Report on Iowa's Indigent Defense System, pursuant to Iowa Code section 13B.2A. Report received on December 30, 2011.

DEPARTMENT OF NATURAL RESOURCES

2010 Public Drinking Water Program Annual Compliance Report, pursuant to the 1996 Reauthorized Safe Drinking Water Act. Report received on July 11, 2011.

Annual Update of Hazardous Waste Disposal Site Registry, pursuant to Iowa Code section 455B.427. Report received on December 23, 2011.

FY 2011 Hazardous Waste Remedial Fund Annual Report, pursuant to Iowa Code section 455B.425. Report received on December 23, 2011.

Midwest Interstate Low-Level Radioactive Waste Compact Commission Annual Report, pursuant to Iowa Code section 457B.1, Article III.I(1). Report received on December 23, 2011.

Household Hazardous Materials Program and Household Hazardous Waste Account Annual Reports, pursuant to Iowa Code 455E.11(2c) and 455F.8. Reports received on December 29, 2011.

Iowa Natural Resource Commission Annual Report. Report received on January 5, 2012.

Report on Mercury Thermostat Recycling, pursuant to Iowa Code section 455D.16(7c). Report received on January 5, 2012.

DEPARTMENT OF PUBLIC HEALTH

FY 2011 Budget Report for the Plumbers, Mechanical Professionals, and Contractor Licensing Board, pursuant to 2011 Iowa Acts, HF 392. Report received on August 31, 2011.

Report on the Iowa Patient Autonomy in Health Care Decisions Project, pursuant to 2008 Iowa Acts, HF 2539. Report received on December 23, 2011.

Health and Long-Term Access Strategic Plan, pursuant to 2008 Iowa Acts, chapter 1188. Report received on January 3, 2012.

DEPARTMENT OF TRANSPORTATION

FY 2011 Use of Reversions Report, pursuant to Iowa Codes section 307.46(2). Report received on September 1, 2011.

FY 2011 Annual Report of the Iowa Highway Research Board, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on December 29, 2011.

Road Use Tax Fund Study, pursuant to Iowa Code section 307.31. Report received on December 30, 2011.

Report on Small Businesses and Disadvantaged Business Enterprises, pursuant to 2010 Iowa Acts, HF 2460. Report received on January 4, 2012.

IOWA COUNTY RECORDERS ASSOCIATION

Report on Redaction of Information from Real Estate Records, pursuant to 2009 Iowa Acts, SF 465, Section 13. Report received on December 22, 2011.

IOWA PROPANE EDUCATION AND RESEARCH COUNCIL

Iowa Propane Research Council Financial Statements and Independent Auditor's Report, pursuant to Iowa Code section 101C.3(10). Report received on August 16, 2011.

IOWA SCHOOLS JOINT INVESTMENT TRUST

2011 Annual Financial Report, pursuant to Iowa Code section 12B.10A(7). Report received on October 11, 2011.

IOWA UTILITIES BOARD

2011 Annual Report on Small Wind Innovation Zones, pursuant to 2009 Iowa Acts, HF 810, Section 1(6). Report received on December 28, 2011.

OFFICE OF DRUG CONTROL POLICY

2012 Iowa Drug Control Strategy, pursuant to Iowa Code section 80E.1. Report received on October 31, 2011.

STATE APPEAL BOARD

Report of General Tort Claims, Highway Tort Claims, and Settlements and Judgments, pursuant to Iowa Code section 669.12. Report received on January 9, 2012.

TREASURER OF STATE

FY 2011 Restrictions on Sudan-Related Investments Reports for the State Operating Fund; Iowa Judicial Retirement System; and the Iowa Peace Officers' Retirement, Accident, and Disability System, pursuant to Iowa Code 12F.5. Report received on September 29, 2011.

AGENCY ICN REPORTS

Iowa Communications Network (ICN) usage reports for FY 2011, pursuant to Iowa Code section 8D.10, were received from the following agencies:

ATTORNEY GENERAL'S OFFICE—Report received on December 13, 2011.

BOARD OF PAROLE—Report received on December 1, 2011.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP—Report received on August 24, 2011.

DEPARTMENT OF EDUCATION—Report received on October 31, 2011.

DEPARTMENT OF HUMAN RIGHTS—Report received on December 27, 2011.

DEPARTMENT OF INSPECTIONS AND APPEALS—Report received on January 3, 2012.

DEPARTMENT OF JUSTICE—Report received on December 30, 2011.

DEPARTMENT OF REVENUE—Report received on August 17, 2011.

DEPARTMENT OF TRANSPORTATION—Report received on January 6, 2012.

DEPARTMENT OF VETERANS AFFAIRS—Report received on August 16, 2011.

IOWA COLLEGE STUDENT AID COMMISSION—Report received on September 2, 2011.

IOWA LAW ENFORCEMENT ACADEMY—Report received on September 9, 2011.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION—Report received on November 29, 2011.

SECRETARY OF STATE—Report received on September 9, 2011.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Don Diehl, Coralville—For 50 years of service as city attorney for the City of Coralville. Senator Dvorsky (1/9/2012).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, January 9, 2012, 2:00 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Feenstra (excused).

Committee Business: Welcome remarks.

Adjourned: 2:20 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, January 9, 2012, 2:10 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 2:15 p.m.

LOCAL GOVERNMENT

Convened: Monday, January 9, 2012, 2:35 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Hamerlinck, Quirmbach, and Schoenjahn.

Members Absent: Bowman, Courtney, Ernst, and Rielly (all excused).

Committee Business: Welcome and introductions.

Adjourned: 2:45 p.m.

RULES AND ADMINISTRATION

Convened: Monday, January 9, 2012, 10:40 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:45 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2001, by Joint Administrative Rules Review Committee, a joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

INTRODUCTION OF BILLS

Senate File 2001, by Kibbie, a bill for an act relating to the return of refund values to consumers for empty beverage containers.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2002, by Hancock, a bill for an act relating to an appropriation to the department of natural resources for dam restoration and reconstruction.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2003, by Schoenjahn, a bill for an act providing for the use of flashing white lights on motor vehicles owned by certain on-call health care professionals, and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2004, by McCoy, a bill for an act relating to parentage information included on a birth certificate.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2005, by Bartz, a bill for an act relating to the duties, authority, and operations of governmental entities and certain governmental enforcement actions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2006, by Johnson, a bill for an act relating to driver's license requirements for persons operating farm tractors.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2007, by Schoenjahn, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2008, by Horn, a bill for an act relating to inapplicability of the electrician licensure requirements to certain manufactured and mobile homeowners.

Read first time under Rule 28 and referred to committee on **State Government**.

RESIGNATION FROM OFFICE

September 16, 2011

The Honorable Terry E. Branstad
Governor of the State of Iowa
State Capitol Building
Des Moines, Iowa 50319

Dear Governor Branstad,

I appreciate the opportunity I have had to serve Senate District 18. However, in order to accept your appointment to serve on the Iowa Utilities Board, I must resign from the Senate.

Please accept this as my written noticed of resignation pursuant to Iowa Code section 69.4. With this letter, I am resigning from the Iowa Senate, effective immediately.

Sincerely,
Swati A. Dandekar

Cc: Michael E. Marshall, Secretary of the Senate
The Honorable John P. Kibbie, President of the Senate
The Honorable Michael E. Gronstal, Iowa Senate Majority Leader
The Honorable Paul McKinley, Iowa Senate Minority Leader

REPORT OF THE COMMITTEE ON CREDENTIALS

Liz Mathis, of Linn County, was sworn in on November 21, 2011, in Marion, Iowa, by Iowa Senate President Jack Kibbie.

MR. PRESIDENT: We, your committee on credentials, respectively report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the remainder of the Eighty-fourth General Assembly.

GENE FRAISE, Chair
THOMAS G. COURTNEY
BRIAN SCHOENJAHN
JERRY BEHN
JAMES F. HAHN

STATE OF IOWA
Office of the
Secretary of State
CERTIFICATION

To the Honorable Michael E. Marshall, Secretary of the Senate:

I, MATT SCHULTZ, Secretary of State of the State of Iowa, custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on November 8, 2011, Liz Mathis was elected to fill a vacancy in the office of State Senator of the Eighteenth District, for the balance of the term that began on the second day of January 2009.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this twenty-first day of November 2011.

MATT SCHULTZ
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this twenty-first day of November, 2011.

MICHAEL E. MARSHALL
Secretary of the Senate

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 10, 2012

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Kibbie.

The Journal of Monday, January 9, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 9, 2012, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, a concurrent resolution to provide for a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly to be held on Tuesday, January 10, 2012, at 10:00 a.m. for Governor Terry E. Branstad to deliver his condition of the state address.

Read first time and **placed on calendar**.

House Concurrent Resolution 102, a concurrent resolution to provide for a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly to be held on Wednesday,

January 11, 2012, at 10:00 a.m. for Chief Justice Mark Cady to present his condition of the judicial branch message.

Read first time and **placed on calendar**.

House Concurrent Resolution 103, a concurrent resolution to provide for a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly to be held on Wednesday, January 18, 2012, at 10:00 a.m. for Adjutant General Timothy Orr to present his message of the Condition of the Iowa National Guard.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolutions 101, 102, and 103.

House Concurrent Resolution 101

On motion of Senator Gronstal, **House Concurrent Resolution 101**, a concurrent resolution to provide for a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly to be held on Tuesday, January 10, 2012, at 10:00 a.m. for Governor Terry E. Branstad to deliver his condition of the state address, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 101, which motion prevailed by a voice vote.

House Concurrent Resolution 102

On motion of Senator Gronstal, **House Concurrent Resolution 102**, a concurrent resolution to provide for a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly to be held on Wednesday, January 11, 2012, at 10:00 a.m. for Chief Justice Mark Cady to present his condition of the judicial branch message, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 102, which motion prevailed by a voice vote.

House Concurrent Resolution 103

On motion of Senator Gronstal, **House Concurrent Resolution 103**, a concurrent resolution to provide for a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly to be held on Wednesday, January 18, 2012, at 10:00 a.m. for Adjutant General Timothy Orr to present his message of the Condition of the Iowa National Guard, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 103, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolutions 101, 102, and 103** be **immediately messaged** to the House.

The Senate stood at ease at 9:09 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:41 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 101, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

The joint convention convened at 9:47 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Wilhelm, Mathis, and Kapucian on the part of the Senate, and Representatives Hanusa, Windschitl, and Wittneben on the part of the House.

The joint convention stood at ease at 9:48 a.m. until the fall of the gavel.

The joint convention resumed session at 9:52 a.m., President Kibbie presiding.

Secretary of State Matt Schultz, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

The Chief Justice and the Justices of the Supreme Court and the Chief Judge and the Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Chris Branstad, the Governor's wife, and other family members, were escorted into the House chamber.

The joint convention stood at ease at 9:57 a.m. until the fall of the gavel.

The joint convention resumed session at 10:00 a.m., President Kibbie presiding.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

President Kibbie presented Governor Terry E. Branstad, who delivered the following Condition of the State Address:

Madam Lt. Governor, Mr. President, Mr. Speaker, Leaders, justices, judges, legislators, elected officials, distinguished guests, family, friends and fellow Iowans.

Today it is my honor to stand before you and deliver this, my 17th State of the State address in this great chamber.

And while 17 doesn't sound like such a big number to me, my wife Chris would tell you it just means I don't know when to quit talking.

I stand here today, older and wiser than during my first such opportunity those years ago, but:

- With a heart full of pride,
- With a head full of ideas, and
- With a state full of new opportunities to grow and prosper as never before.

Last year we, like so many other states, faced serious budget challenges and unacceptably high levels of unemployment.

Eighty-nine programs were funded with one time money that was due to run out—to the tune of \$900 million. In other words, it amounted to nearly one-sixth of our entire general fund budget.

More than 100,000 Iowans were out of work and seeking jobs and thousands more had simply given up hope.

My charge to each of us was simple, yet significant:

- To restore predictability and stability to our state budget
- To ensure our decisions were sustainable for the long term; and
- To set the stage for a period of unprecedented economic expansion

Together, we took on these challenges—as Iowans always do.

And while the process was messy—as it always is,

And though none of us got everything we sought—as we never do,

We took the necessary steps to put the state's fiscal house back in order; ended our dependency on one time revenue; funded a balanced budget using on-going revenue; and passed a biennial budget that funds most areas for two years.

Here in Iowa, we are a model for the nation of how Republicans and Democrats can work together for the common good of our people.

Iowans deserve a budget that works, a budget that focuses on the essentials, a budget that reflects the character and ideals of Iowa's hard-working taxpayers, and together we delivered just that.

So take this moment, before the hard work of this session begins, and congratulate your fellow Legislators for a job well done as I congratulate each of you.

Now, with our fiscal house much improved, and our fiscal year 2013 budget already substantially completed, we have a tremendous opportunity to focus the next few months on two other critical priorities:

- First, creating new jobs and careers for Iowans to significantly raise family incomes, and
- Second, adopting common sense solutions for our schools to give our children a world class education.

We must share the urgency of Iowans to revitalize our economy and improve our schools.

We must commit long-term to make Iowa ready to support the jobs and careers of the future—the very careers that will keep Iowans home and bring new economic opportunities to our state.

This past year we took the first steps toward improving Iowa's economic health.

Together, we created the Iowa Partnership for Economic Progress which will lead our state's efforts to encourage Iowa entrepreneurs and small businesses.

In addition, I signed an executive order that requires a jobs impact statement for any proposed administrative rule.

These are just the first steps on our path towards a renewed prosperity that brings greater economic opportunity to all Iowans.

While improvement is being made, there is still much work to be done and it is going to take the cooperation of every member in this Chamber to provide the opportunities Iowans deserve.

The "all or nothing" politics that often prevents our leaders from making progress on so many issues in Washington, D.C., and in other state capitols does not have to happen here.

In Iowa, we have a shared responsibility to do our work differently; to come together in the best interests of all Iowans; and to shed the partisanship that makes good public policy so elusive.

The simple truth is Iowa no longer only competes against other states for attracting new jobs, careers, economic development, and investment.

We now compete in a worldwide economy. We must compete with Brazilian ethanol, with Chinese production of technology, and with every other emerging nation ready to claim our economic mantle.

I have seen first-hand the economic and educational growth around the world. This past September, I traveled to Korea, China and Japan as part of a trade and investment mission.

While in Beijing, I met with Vice President Xi Jinping.

Vice President Xi visited Iowa in 1985 as a Hebei Province party official.

Now, he is the Vice President and this year he will become the President of China. Out of that meeting one message was clear: for Iowa to compete in the future, we must compete globally.

On that trip, I met with companies in each country I visited. I was able to communicate a message that Iowa is open for business and poised for growth—a message that Iowa is full of hard-working citizens who are ready to work.

As a result of those efforts, we convinced South Korean company CJ to invest \$324 million in the Fort Dodge area and bring 180 great jobs to Iowa.

However, companies abroad should not be the sole source of our growth.

American companies have seen the work we have collectively done to enhance stability in our state through our fiscal discipline.

As a result, numerous companies have announced their relocation or expansion plans for Iowa. Cargill purchased the Tate & Lyle's plant in Fort Dodge and will create over 100 new jobs in Webster County and provide another market for Iowa corn.

ALCOA is investing nearly \$300 million in their Davenport factory where they will begin producing automotive aluminum to meet the rising demand for lighter and more fuel efficient vehicles.

The combination of our strong agricultural, bio-science, manufacturing, and financial sectors means Iowa is better positioned than most states for economic expansion.

But I believe being better isn't good enough. I say we should strive to be the best.

I am convinced that Iowa stands at the precipice of a major economic expansion. But that expansion is not guaranteed.

Our opportunity for unparalleled growth is like the opportunity a good Iowa field affords a farmer, but work must be done before a harvest can be reaped.

Our job creators are ready, the question is are we?

Are we ready to plant the seeds for growth and prosperity?

If the answer is yes—and the answer must be yes—then we must develop the permanent tools job creators, career builders, and hard-working Iowans so critically need.

And that is why I am today proposing a four point plan of action—a focused initiative designed to help create the jobs we need today and the careers we need tomorrow.

The first piece of my action plan should come as no surprise to anyone.

This year I will submit to the General Assembly a revised plan to reduce commercial and industrial property taxes by 40% over the next eight years.

Commercial property taxes in Iowa are the 2nd highest in the nation and I believe there is an agreement within this chamber that these taxes must be reduced—not because they cost businesses money, but because the cost Iowans, jobs.

What has been lacking in this discussion, I believe, is an understanding of the consequences for small business owners who struggle to keep their doors open and their workers employed, due to this backbreaking business burden.

Today, sitting with my family, is Ying Sa. I met Ying at the Iowa Immigrant Entrepreneurial Summit.

She is a leader who has helped hundreds of immigrant entrepreneurs start successful businesses in Iowa, including her own.

Ying and nearly 500 other Iowans met to discuss their experience of starting businesses and their dreams of success here in Iowa. I was honored to address their summit and to recognize 125 immigrant entrepreneurs who started a new business in Iowa last year.

Ying has a growing CPA business, but does not own her office space.

Rather, she leases the property and she, like thousands of other small business owners across Iowa, feels the brunt of our high property taxes through net-net leases wherein she pays the full cost of the property taxes attributable to her footprint.

Ying, will you please stand up.

She and the thousands of hopeful small business owners are the Iowans who most need commercial property tax relief.

Will each of you commit today to a permanent property tax solution for Ying, for all of her fellow small business owners, and for the tens of thousands of Iowans seeking jobs?

Passing our plan will give Iowa business owners permanent relief and a fighting chance to compete.

In addition, our plan prevents a shift to other classes of property by limiting local government spending and by cutting in half the annual growth limit for residential and agricultural property.

The second piece of my action plan is to give our new Iowa Economic Development Authority the tools it needs to lead our job creation efforts.

Last year the Legislature directed us to create a replacement for the Grow Iowa Values Fund and we are proposing a new \$25 million annual investment in our existing High Quality Jobs Program.

The High Quality Jobs Program has a proven track record of success and a documented return on investment of two dollars in new tax revenue for every one dollar invested.

This direct assistance component gives Iowa Partnership for Economic Progress an important tool in attracting high-quality businesses and careers to Iowa.

In addition, my proposal will be structured so state investments in the program will decline over time so the program will be self-funding within 10 years as a direct result of the jobs it brings to Iowa.

The third component of my jobs and careers action plan will encourage those small businesses that supply key components to our strong manufacturing sector to grow their facilities and create new jobs in Iowa.

Often, major manufacturers have large supply-chains, filled with companies that produce vital components for the anchor manufacturer.

Manufacturing must remain an important part of our diversified Iowa economy.

I will offer legislation that removes the barriers that discourage suppliers from bringing their businesses close to their best Iowa customers.

We have major anchor manufacturers like John Deere in Waterloo. Let's develop a supply chain cluster wherein surrounding towns attract those smaller support businesses that feed John Deere.

Without question, the jobs such suppliers will provide in Hudson, LaPorte City, Parkersburg, and Denver are equally as important to those communities as the jobs John Deere provides to the citizens of Waterloo.

The final piece to this jobs and careers puzzle involves the dilemma faced in many rural Iowa communities when a local anchor business is put up for sale.

When hometown businesses are sold to out of town, out of state, or out of country buyers, the local community often suffers.

We must work to keep Iowa companies in Iowa, even when an ownership change takes place.

This is not just a tool for Iowa businesses; it is a tool for Iowa communities—Iowa communities where these companies represent so much more than jobs; where these companies represent our families, friends and way of life.

Many of these companies have operated in Iowa for years, operated by owners committed to the local way of life. And when these owners wish to retire, they must have options for keeping their company local.

I am proposing legislation that will encourage the formation of Employee Stock Option Plans to encourage the sale of these local businesses to the very employees who have made that company a profitable success.

Our plan will encourage more Iowans to own a stake in their company, to reap a greater share of the fruits of their own labor, and to help protect the quality of life in their local community.

Employee ownership is great for the Iowa communities in which these businesses, jobs, and careers exist.

My four point plan of action to create the jobs we need today and the careers we need tomorrow is essential and I ask for your bipartisan support to get it done.

But we cannot leave any discussion about Iowa's future without focusing on our most precious natural resource—our children.

With four young granddaughters, I understand the importance of that commitment at a time when new technology and other forces are rapidly reshaping the labor market.

Our children's future depends on whether they learn the knowledge and life-skills needed to succeed in a global economy and be well-informed, good citizens for the 21st century.

Our state's future depends on whether the quality of our schools matches the best-performing schools anywhere in the world.

Today we have with us in the galleries students from Van Meter, Ankeny, and Capitol View Elementary here in Des Moines.

I have asked them here, because today we take a crucial step towards ensuring they have opportunities to pursue their dreams by being among the best educated anywhere.

The bottom line is education must be a greater priority for our state, because if our schools are not the best, then we will fail these young people and all those young Iowans who follow them.

Last week Lt. Governor Reynolds and I unveiled our updated education reform blueprint. It is the product of nearly a year of work:

- that work included our education summit that brought together some of the best minds from Iowa, our nation, and the world,
- then was followed with the release of an initial blueprint to start a statewide conversation on how to give our kids the best education,
- and at that point we hit the road to hold an unprecedented number of education town halls to engage students, parents, teachers, job-creators, and other Iowans in a true give-and-take dialogue about the future of our education system,
- with a final step of revising the blue print into the actual reforms that are before you now.

Here are some steps we need to take together to turn Iowa's good schools into world-class schools.

One, we need a great teacher in every classroom and a great principal leading every building. That starts with being more selective about who can become an educator. A "B" college grade-point average for admission to Iowa's teacher-preparation programs is not asking too much.

Two, all prospective teachers seeking a state license should demonstrate content and teaching mastery to assure they are ready for the crucial work of teaching our children.

Three, the School Administration Manager program should be changed to provide more time for principals to be instructional leaders. Other staff can take on management tasks to free principals to observe and coach teachers in their classrooms.

Four, the Iowa Department of Education will continue to improve the Iowa Core — our state standards in math, science, English, and social studies. But well-rounded, healthy students need more than just these core areas.

The department will work with educators to develop new standards for music and other fine arts, character education, physical education, entrepreneurship education, applied arts, and foreign languages.

Five, a new kindergarten assessment will measure whether children start kindergarten ready to learn and leave prepared to flourish in first grade.

Six, end-of-course tests for core subjects will demonstrate that high school students are ready to graduate. These will be designed with teachers, and will emphasize not just knowing content but being able to apply it.

Seven, all juniors should take a college entrance exam, with the state covering the cost. In addition, they should have the option of taking a work skills readiness test. This will tell us whether Iowa students are college and career ready for life after high school.

Eight, let's assure that children can read by the end of third grade. Otherwise, they will fall further and further behind. An intensive focus on literacy means working closely with families and providing more support for reading and writing in schools starting in preschool, and continuing through kindergarten, first, second, and third grades.

Because reading is so essential for later success in school, it is unfair to promote an illiterate child.

Nine, Iowa has some highly innovative schools, and we should encourage more schools to be innovative. Youngsters need more opportunities to engage in real-world experiences—including internships—in science, technology, engineering and mathematics.

Doing well in these subjects is the gateway to fast-growing fields with some of the best-paying jobs—whether students are headed for career training or a two or four-year college.

To encourage such efforts, Iowa should establish an Innovation Acceleration Fund. Schools and partners will identify education problems and innovative solutions. Competitive grants will fund the best ideas, which may be scaled up statewide.

Ten, online learning that complements learning in traditional classrooms should be promoted.

So should competency-based learning that personalizes education for each child, and begins the process of moving us away from the time-based industrial model of education.

Let's do all this and more for our children with a bipartisan consensus that will stand the test of time.

Don't Iowa's students deserve a world-class education?

We have a decade of hard work ahead of us.

So let's get to work, because this is not about this administration or the next, or the one after that. It is about our children's future and our state's prosperity and growth.

Let's work together on a bipartisan basis to put in place common-sense solutions that are sustainable: by adapting best practices that work and by innovating to find new approaches that fit Iowa.

Let's work together to continually improve because that's what the highest-performing school systems do to give their children a world-class education.

Let's work together to continually improve because Iowans will hold us accountable.

The solutions I've outlined today are about the future.

They are about ensuring the American Dream and the Iowa way of life will be passed on to our children.

Imagine... filling Iowa's Main Streets with thriving businesses, busy restaurants and happy customers;

Imagine... creating the kind of long-term careers that keep young Iowans home and attract those who have left to return to their roots;

Imagine... schools that are among the best in the world and provide our children and grandchildren with endless opportunities to pursue their dreams.

These are not empty aspirations; rather, they are all part of a grand vision for restoring a healthy Iowa.

As the Lt. Governor and I traveled to all 99 counties last year, one thing was made absolutely clear to us—Iowa must strive to be the best.

Where in other parts of our nation uncertainty has become the new reality, it is imperative we make Iowa the center of stability and innovation.

As we work together towards these goals, we must all remember that Iowans are holding us accountable.

We have an obligation to exceed their expectations, and begin building on our foundation for growth.

I believe our aspirations for a better tomorrow can and will ignite our capacity to innovate.

So, let's innovate today.

Let's provide the permanent tools that our small businesses and hard-working taxpayers so critically need.

Let's commit to new job and career opportunities for all Iowans.

Let's give our children the best education in the world.

Let us,

- Republicans and Democrats,
- rural and urban,
- all Iowans,

become a bright beacon of hope to the rest of the nation and show them how a motivated people,

- working together,
- with the best interests of our children in our hearts,
- and a set of new tools in our hands,

can solve our common problems and bring to Iowa unprecedented economic expansion and unequalled educational opportunities.

This is our challenge. This is our mission. This is our obligation.

Thank you.

God bless you and God bless the great state of Iowa.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:34 a.m. until 9:00 a.m., Wednesday, January 11, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

2012 Early ACCESS Report, pursuant to Administrative Rule 281–120.7. Report received on January 9, 2012.

2012 Student Achievement, Accountability, and Professional Development Annual Report, pursuant to Iowa Code section 284.12(1). Report received on January 10, 2012.

Iowa Core Annual Report, pursuant to 2008 Iowa Acts, SF 2216. Report received on January 9, 2012.

2011 Final Community College Additional Data Report, pursuant to 2009 Iowa Acts, SF 470. Report received on January 10, 2012.

FY 2011 Report on Tuition Assistance for Individuals Serving Individuals With Disabilities Program, pursuant to 2008 Iowa Acts, SF 2425, Division VIII. Report received on January 10, 2012.

DEPARTMENT OF MANAGEMENT

Standing Appropriation Report for FY 2010 and FY 2011, pursuant to Iowa Code section 8.6(2). Report received on January 9, 2012.

IOWA UTILITIES BOARD

Customer Contribution Fund Annual Report, pursuant to Iowa Code section 476.66(6). Report received on January 9, 2012.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convended: Tuesday, January 10, 2012, 1:05 p.m.

Members Present: Soddors, Chair; Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Ward, and Wilhelm.

Members Absent: Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Rielly, and Whitver (all excused).

Committee Business: Introductory meeting.

Adjourned: 1:10 p.m.

JUDICIARY

Convened: Tuesday, January 10, 2012, 3:00 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, and Ward.

Members Absent: Dix and Whitver (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 10, 2012, 1:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 1:10 p.m.

TRANSPORTATION

Convened: Tuesday, January 10, 2012, 1:30 p.m.

Members Present: Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, McCoy, and Zaun.

Members Absent: Rielly, Chair; and Houser (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:40 p.m.

INTRODUCTION OF BILLS

Senate File 2009, by Hancock, a bill for an act relating to and making an appropriation for emergency medical services training.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2010, by Hatch, a bill for an act relating to home and community-based services under the medical assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2011, by Hancock, a bill for an act relating to the membership of the statewide interoperable communications system board.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2012, by Hancock and Wilhelm, a bill for an act authorizing the imposition of certain charges for fire protection and emergency medical services.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2013, by Hancock, a bill for an act designating a single point of contact for the communication of public safety communications needs, issues, and concerns.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2014, by Hancock, a bill for an act relating to flood prevention by providing for the alteration of a water channel in connection with a project for highway construction or improvement.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2015, by Hancock, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including related appropriations from the taxpayers trust fund, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2016, by Hancock, a bill for an act providing tuition and health insurance benefits to children of public safety employees who die in the line of duty.

Read first time under Rule 28 and referred to committee on **Judiciary**.

STUDY BILLS RECEIVED

SSB 3001 Natural Resources and Environment

Concerning the definitions of “all-terrain vehicle” and “off-road utility vehicle” for purposes of provisions administered by the department of natural resources.

SSB 3002 Education

Relating to mandatory reporting of school employee misconduct to the board of educational examiners.

SSB 3003 Education

Requiring background checks for school bus drivers, providing for fees, and making penalties applicable.

SSB 3004 Labor and Business Relations

Relating to construction contractor registration fees collected by the labor commissioner and making an appropriation.

SSB 3005 Labor and Business Relations

Relating to unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions.

SSB 3006 Labor and Business Relations

Relating to child labor requirements administered by the labor commissioner, making penalties applicable, and including effective date provisions.

SSB 3007 Labor and Business Relations

Relating to athletic events regulated by the labor commissioner, providing for fees, and making an appropriation.

SSB 3008 Appropriations

Relating to financial assistance for purposes of the battleship Iowa, BB-61, making appropriations, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

SSB 3001

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Dearden and Hahn

SSB 3002

EDUCATION: Bowman, Chair; Schoenjahn and Smith

SSB 3003

EDUCATION: Dvorsky, Chair; Beall and Smith

SSB 3004

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Jochum and Ward

SSB 3005

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Jochum and Anderson

SSB 3006

LABOR AND BUSINESS RELATIONS: Hatch, Chair; Jochum and Bertrand

SSB 3007

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Ward

SSB 3008

APPROPRIATIONS: Danielson, Chair; Black and Bartz

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 11, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Kibbie.

The Journal of Tuesday, January 10, 2012, was approved.

The Senate stood at ease at 9:12 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:44 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 102, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:50 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Terry E. Branstad to the Condition of the Iowa Judiciary Message.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Rielly, Soddors, and Smith on the part of the Senate, and Representatives Anderson, Garrett, and Muhlbauer on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Honorable Mark S. Cady, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Fraise, Hancock, and Whitver on the part of the Senate, and Representatives Tjepkes, Baltimore, and Wolfe on the part of the House.

The joint convention stood at ease at 9:52 a.m. until the fall of the gavel.

The joint convention resumed session at 9:56 a.m., President Kibbie presiding.

Secretary of State Matt Schultz, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and the Judges of the Court of Appeals, and the Chief Judges of the District Courts were escorted into the House chamber.

Becky Cady, wife of Chief Justice Cady; his son, Spencer Cady; and his son's fiancée, Reilly Branderhorst; were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him into the House chamber.

The committee waited upon Chief Justice Mark S. Cady and escorted him to the Speaker's station.

President Kibbie then presented Chief Justice Mark S. Cady who delivered the following Condition of the Judiciary Message:

Thank you for the opportunity to address this joint convention of the 84th General Assembly on the condition of the judiciary. We come together in this historic chamber not only for the opportunity to consider the state of the judiciary, but also, perhaps of equal importance, to simply use this moment to gather a better understanding of all we share in common. To reflect on what inspires each of us to serve in public office is what inspires all of us to serve Iowans and the State of Iowa. To reflect on the presence in this room of our shared sense of purpose, pursued with a shared sense of honor and respect and commitment to do our best, in whichever branch of government we do our work. To reflect on the simple truth that we all want what is best for Iowa and that we all serve the people of Iowa with the timeless hope of each generation—that our efforts today will lead to a better tomorrow.

But, today is not only a time to recall our aspirations, it is a time to identify how each branch of government can contribute to rebuilding the economy and creating a way of life in Iowa that will ensure our prosperity and our children's prosperity.

Let me begin with some important observations about what courts do to build a better tomorrow and what our Iowa courts have been doing to help assure this better tomorrow is Iowa's tomorrow. I will then discuss the obstacle we face in doing this important work and how we can overcome this obstacle together to reach a better tomorrow. I might add that the numbers, statistics, and details that supplement my remarks are included in the information packet we will disseminate to you today, and will also be available at the reception, which I invite everyone to attend, in the historic supreme court courtroom following the close of this joint convention.

A strong court system can play an important role, if not become the real catalyst, in achieving economic prosperity in Iowa. This proposition is not just my perception; it is supported by sound economic studies.

A few years ago, the World Bank conducted a study to determine what accounts for the success and wealth of a nation. This study found that the most important ingredient to the economic success and strength of a country, by far, was the presence of a court system that applied the rule of law fairly and impartially. Fair, efficient, and fully functioning courts provide businesses with the necessary confidence to invest in an area, or to expand a business operation, by assuring that their investment will be fully protected under the rule of law in the same way individual rights are maintained. As explained by the lead economist in the study, the confidence needed to promote

investment comes from “the efficiency of the legal system and how many days it takes to get to trial, how many days it takes to get a decision once you’re at trial, the lack of corruption, the degree of transparency—the whole set of issues that go into” what is called the rule of law. The business relationships and commerce needed to grow an economy must operate within an environment of the rule of law and must have confidence in the legal system to provide that environment.

This view is also supported by a 2010 study conducted by the United States Chamber of Commerce. This study surveyed 1500 senior litigators at America’s largest corporate employers. Two-thirds of these employers agreed that the litigation environment in a state impacts important business decisions in their company such as where to locate or do business. Businesses need and want a level playing field where the rules are fairly enforced and the gains achieved by their efforts are fairly protected by those rules.

Finally, the important role of the courts in fostering the economic development of a state was actually a concept recognized by our forefathers very early in our history. Records from our constitutional convention in 1857 reveal our first leaders spoke of the need for a well-maintained court system to properly guard both the lives of the waves of people who were entering this state at the time and the resources these people were investing into the state. Jonathan Hall of Burlington, who served in both this body and on the Iowa Supreme Court, reminded his colleagues to never, in his word, “forget” that the system of justice is what protects property in this state.

At the same time, we all understand a vibrant economy also depends on the many qualities of life we share in Iowa. While all Iowans contribute to our quality of life, the work of the courts has always played a special and direct role in providing a stable and safe environment for those who work and live in this state.

Every community in this state depends on our courts and our Judicial Branch employees to address and stop juvenile delinquency, to handle criminal charges, and to impose sentences on convicted criminal offenders. Each year, our judges and magistrates, with the help of our staff, dispose of thousands upon thousands of criminal cases and also issue thousands of protective orders and no-contact orders to help shield victims from further harm.

Additionally, the quality of life compatible with economic prosperity requires opportunities for our young people. Our children are the future, and the work of the courts is often the only dependable bridge to a future of opportunity for many of these children.

Every day, Iowa’s courts make important decisions affecting the lives of abused and neglected children. These children depend on our courts for timely placements in safe and stable homes.

Our courts also work to prevent and address juvenile delinquency. Last year, our juvenile court probation officers worked with nearly 22,000 troubled children and teens to confront their problems, change their behavior, and help them forge better lives for themselves. That is the equivalent of two full classrooms of children entering our system every day in our state. Most of these children need supervision, treatment, and services to address their underlying problems and needs. But, this work is not just essential to children; it has the potential of saving this state billions of dollars over time. Researchers at the National Center for Juvenile Justice calculate that the life-long taxpayer expenditure for every offender who enters prison is \$2 million. Another recent study concludes each juvenile who becomes a chronic offender costs taxpayers between 4.2 and 7.2 million dollars. When we are able to help young people when it really counts, the benefits are shared by all.

So, let me turn to the condition of Iowa’s judiciary and examine the judicial system we have in Iowa today.

My assessment begins with the most fundamental quality of justice—fair and impartial judges. I am pleased to report that fair and impartial justice continues to be the hallmark of Iowa's court system. One measure of this quality is the annual survey conducted for the United States Chamber of Commerce, which has consistently ranked Iowa's judges as among the most fair and impartial in the nation. Last year was no exception, and this ranking allows Iowa to be viewed as having one of the top court systems in the nation.

Similarly, I can report to you that the Iowa courts continue to be recognized nationally for transparency—one of the factors that helps develop confidence in courts and helps develop a prosperous economic climate. I can further report to you that we have fulfilled our promise made to you last year to become even more visible and open.

Because our courts belong to the people, it is important that our courtrooms are open to the public. In Iowa, our courtrooms are not only open to the public; we have gone to great lengths to take our courts to the people. In addition to our nationally recognized program of bringing cameras into the courtroom, we have online court dockets, streaming of Iowa Supreme Court oral arguments, and an award-winning judicial branch website filled with helpful, easy-to-find information about all aspects of the courts.

Consistent with past efforts to bring the courts to the people, the Iowa Supreme Court last year held oral arguments outside Des Moines. We held court in Cedar Rapids, Mason City, and Carroll. During each trip, each justice visited local schools and spoke to government classes in conjunction with an evening session of court. I cannot help but think that those communities gained a better appreciation for the role of the courts in our society. After the Mason City court session, the father of a young Mennonite boy at the center of one of the cases waited respectfully for an opportunity to visit with me. When he did, he simply extended his hand and said about the session, "I just wanted you to know that it seems like an honest thing." We will continue to display this "honest thing" in other communities this year.

Innovations such as cameras in the courtroom and taking the courts to the people are examples of efficient, forward-thinking efforts we have undertaken to better serve all Iowans. Before I leave the subject of open and visible courts, let me add that I will again maintain office hours in the Capitol Building every Monday morning throughout the legislative session, just as last year. If at any time I am not available, another justice will be present to meet with you. Additionally, the door to my office across the street is always open to you.

We are also constantly searching for ways to improve our procedures and efficiency to meet the problems and demands of today's complex world, to prepare ourselves for the challenges of the future, and to contribute effectively to Iowans' prosperity and quality of life. This last year has been no exception.

For over a year now, an Iowa Supreme Court task force has been studying ways to make our court system as responsive as possible in the lives of Iowans and the operation of business and commerce. Justice Daryl Hecht and 83 committed Iowa business leaders, court users, judges, and attorneys, have been studying and evaluating new ideas for civil justice reform in Iowa in order to build a new court model to provide even more confidence in the business environment of Iowa.

Their report will be unveiled next month and could become the blueprint for a new civil justice system in Iowa comprised of special business courts, special litigation tracks for low-cost and prompt resolution of litigated matters and alternative dispute resolution methods now desired by many. These processes, as well as others, will help make our court system as relevant and attractive to users as possible and will provide an opportunity to make our court system even more attractive for economic development.

Last year we also saw great strides in the transition of our court system into a paperless operation. This too will brighten our economic future. As you know, this operation is the Electronic Document Management System, or EDMS. EDMS is designed to receive and store electronic court documents. Electronic filing and storage will allow more and more court users access to court records, 24 hours a day, seven days a week. Parties can view the court docket and court documents for their case from an office or home computer.

This system, when completed, will provide efficiencies never before seen in our or any other court system, as well as efficiencies that will benefit both public and private court users. We are building what will be a national template—a model for other states. Importantly, EDMS will allow us to more effectively allocate our workload and maintain the importance of a courthouse in each county.

EDMS now operates in four counties, and we are in the process of expanding into more counties and the appellate courts.

We have also sought to improve our judicial system by developing specialty criminal courts that target the underlying problems that bring people into our courts in an effort to craft better long-lasting solutions. Crime for too many Iowans is the result of drug addiction, and we now operate 28 drug courts in 19 counties in Iowa to better address addictions. The judges who staff these courts work closely with attorneys, substance-abuse treatment providers, and others to monitor progress through a variety of effective treatment methods. Last year, hundreds of Iowans likely avoided prison due to these drug courts and have been redirected toward a better future.

Family drug courts have also been implemented and have been found to be successful in reuniting families torn apart by child abuse and neglect on account of meth-addicted parents. In Wapello County, Judge Bill Owens sets aside two afternoons per month for family drug court. Ottumwa attorney, Mary Baird Krafka, made this observation about the outcomes she witnessed in the family drug court, "It is nothing short of exciting to observe, month by month, the improved appearance and demeanor of these parents."

These specialty courts have shown what the court system can do when it has the time and resources to do its best work.

We continue to make tremendous strides in our efforts to help abused and neglected children, as well as troubled youths.

As you know, we have taken numerous steps and implemented many reforms to strengthen court oversight of child welfare cases so we can expeditiously find permanent, loving homes for abused and neglected children, which ultimately improves their prospects for better lives and futures full of promise. These reforms have continued to produce the results we had hoped to see.

In addition, our juvenile court officers have found new approaches to addressing juvenile crime. They are now using evidence-based, risk and needs assessment tools that enable juvenile court officers to distinguish between low, moderate, and high risk youths and to better identify the underlying problems and needs of each youth.

So, overall, Iowa courts are fulfilling the mission they have been given. We live in a state that has gained a reputation for having a very good court system. Unfortunately, the Iowa Court system has been facing a mounting problem. We have identified this concern for you in the past, but let me explain what it means today.

The successes of this past year and those over the past decade have primarily been the result of two factors. The first factor is that we have made many innovative improvements and found many efficiencies to do our work. Yet, by far, our success has been the result of the dedication and extraordinary work of our people. We are 1753 people who believe in the courts and the work of the courts.

Yet, while we have faced budget cuts year after year, resulting in a workforce smaller than we had 24 years ago, our workload has increased dramatically. During this 24-year period, the number of cases filed with our courts, excluding simple misdemeanors and traffic violations, has increased 50%. During this same time, the Code of Iowa has increased in size by 79%. A recent report of the Legislative Service Agency of this state revealed that we have cut our full-time workforce 16.5% since 2003, while the workforce in state government as a whole has grown 1.6%.

I make this observation not to complain, but primarily to show that our successes are truly the result of the very devoted people who work in the court system. Yet, I am beginning to see that these successes cannot be sustained because, quite simply, I am not sure our people can continue to carry all the weight they have been asked to shoulder. Please understand; we appreciate very much the budget constraints you have faced, and we are grateful for the past support that you have given to us. In turn, we have striven to operate our courts very efficiently, and we have spent our funds wisely to produce very good results. All of us in the Judicial Branch have put our system of justice first, and this has made it better. But, the months and months of cuts have turned to years and years of cuts, and those years have now stretched into a decade. The spirit that has inspired us to do so well is challenged, and too often, we are forced to operate in ways that we do not want to operate because we know to do so is not good for Iowans. Not only does this cause problems for Iowans, it undermines the public's confidence in the reliability of our justice system and hinders the state in achieving its goal of a vibrant economy.

Right now, 33 of Iowa's 100 clerks' offices operate part-time because they do not have enough employees to operate fulltime. These closures hinder Iowans seeking to initiate emergency mental health or substance abuse commitments or seeking civil protective orders for domestic abuse. They have also slowed down the processing of all cases, as well as liens, garnishments, warrants, and child support checks. Closures have caused the public to lose confidence in the courts.

Cuts in other staff components such as court reporters, case schedulers, court attendants, law clerks, and others have exacerbated case processing delays—frustrating us and causing problems for many Iowans. Litigants must wait longer before they have their day in court. Even when a trial date arrives there is no guarantee it will proceed as scheduled. We are experiencing too many instances when people seeking domestic abuse protective orders, high priority cases, must wait hours on end for a court reporter to become available to record the proceeding. Too many times, inadequate staffing levels have forced rescheduling of custody disputes and parents and children have been forced to wait. Complex civil trials have also been canceled at the last minute because judges or other personnel were not available to staff the courtroom. Even after trials and hearings occur, litigants must often wait longer for rulings because judges lack appropriate support staff.

The resulting stress and strain experienced by our people over the past decade of budget cuts has been observed not only by me, it has been observed by each member of the supreme court as they have traveled to many of the courthouses across Iowa in the last year to visit with court staff. It has been observed by others as well. While not voiced by our people as a complaint, the stress and strain is written on their faces. They worry about not being able to provide the help they know Iowans need. Today, for example, most of our juvenile court officers no longer have the time to provide face-to-face interviews with all first-time juvenile offenders, so many do not get the help they need and end up returning to the court system. We know we are not really helping our troubled teens when we are no longer able to consistently meet them face to face.

I truly understand funding is tight for everyone, but there is little more we can do to help sustain this court system without your help. Ultimately, by constitutional design, Iowans depend on you to provide the resources to support the justice system, and today I respectfully ask you to extend your hand to help.

Today, the Iowa Judicial Branch operates on a budget of \$154,000,000, about 2½% of the total state budget. At the same time, we bring in about \$146,000,000 each year through fines, fees, and the like. So, in truth, everything we provide to this state, including the opportunity for a more prosperous future based on the rule of law secured by fair and impartial courts, costs less than one-half of one percent of our total state budget. We need just a small fraction more to adequately fund and staff the branch, but a fraction that will make a world of difference.

I must also tell you our budget is particularly fragile for another reason. Unlike in the past, status quo funding will not even allow us to limp along for another year. Without additional money, the Judicial Branch has no means to absorb the additional costs of salary adjustments and will face another severe reduction of workforce and more cuts in the hours our clerks' offices will be open. Fewer staff and more closed courthouses will cause greater delays and less access to justice. In my view, these unwanted consequences would pierce the spirit of our devoted court employees and mark the start of a decline in our great court system. Not only will confidence in a reliable and efficient court system be lost, but an essential building block for economic growth will be jeopardized.

But, in the end, I simply ask you to believe in our courts. While it has been important for me to inform you about the struggles of our people, just as it is important for them to know I support them and I am deeply moved by all they do for this state, I simply ask you to believe, as we believe, in the work of the courts. Believe, as we believe, that with just a little more help our courts can truly help move this state into the future it so richly deserves.

Investing in the courts now will give all the people in our court system the tools they need to do the job they have devoted their lives to do and will allow us to structure our court system to provide services it was established to deliver.

Investing in the courts now will deliver the foundation for a vibrant economy through a transparent and responsive civil justice system that continues to be a model for the nation.

Investing in the courts now will enhance our court system to give our children and others in need the best opportunity for a productive life.

Investing in the courts now will allow us to do our best work to give Iowa its best future. Investing in the courts will allow us to show the nation how the three branches of government can work for the benefit of the people.

And, investing in the courts now, just a fraction more, will show future generations what believing in our courts now will do.

So, the State of the Judiciary today is not just in the hands of the courts, it is in your hands too. This is the time for us to work together as never before. This is the time to begin rebuilding Iowa's economy and creating a way of life that will ensure our prosperity and our children's prosperity. This is our time to truly discover what our joint efforts can grow and produce for the bountiful future of this great state.

Thank you.

Chief Justice Mark S. Cady was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:40 a.m. until 9:00 a.m., Thursday, January 12, 2012.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 11, 2012, 3:15 p.m.

Members Present: Seng, Chair; Johnson, Ranking Member; Bowman, Courtney, Greiner, Hahn, Hancock, Kapucian, Kibbie, and Rielly.

Members Absent: Fraise, Vice Chair; Black, and Houser (all excused).

Committee Business: Organizational meeting.

Adjourned: 3:35 p.m.

VETERANS AFFAIRS

Convened: Wednesday, January 11, 2012, 2:35 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: Black (excused).

Committee Business: Introduction and organization.

Adjourned: 3:10 p.m.

INTRODUCTION OF BILLS

Senate File 2017, by Dvorsky, a bill for an act allowing the use of a leashed dog to retrieve a wounded deer and providing a penalty.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

Senate File 2018, by committee on Appropriations, a bill for an act relating to financial assistance for purposes of the battleship Iowa, BB-61, making appropriations, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILLS RECEIVED

SSB 3009 Education

Relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, school districts, and accredited nonpublic schools; and providing for the retention of certain fees and for the use of certain funds.

SSB 3010 Veterans Affairs

Relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

SUBCOMMITTEE ASSIGNMENTS

Senate File 3
(Reassigned)

TRANSPORTATION: Danielson, Chair; Hahn and Hancock

Senate File 19
(Reassigned)

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Bacon and Dotzler

Senate File 71
(Reassigned)

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Danielson and Ward

Senate File 76
(Reassigned)

TRANSPORTATION: Danielson, Chair; Hahn and Hancock

Senate File 145
(Reassigned)

ECONOMIC GROWTH/REBUILD IOWA: Hatch, Chair; Chelgren and Sodders

Senate File 186
(Reassigned)

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Hatch and Whitver

Senate File 189
(Reassigned)

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and Courtney

Senate File 196
(Reassigned)

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and Courtney

SSB 1062
(Reassigned)

LOCAL GOVERNMENT: Wilhelm, Chair; Courtney and Hamerlinck

SSB 1170

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bacon and Dotzler

SSB 3009

EDUCATION: Quirnbach, Chair; Schoenjahn and Hamerlinck

SSB 3010

VETERANS AFFAIRS: Kibbie, Chair; Danielson and Seymour

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2018 (SSB 3008), a bill for an act relating to financial assistance for purposes of the battleship Iowa, BB-61, making appropriations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Dvorsky, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 3: McCoy, Dotzler, and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2018, and they were attached to the committee report.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 12, 2012

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Randy Feenstra, member of the Senate from Sioux County, Hull, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Kibbie.

The Journal of Wednesday, January 11, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:12 a.m. until 9:00 a.m., Friday, January 13, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

IOWA STUDENT LOAN

Customized Resources for Individual Success, pursuant to Iowa Code section 7C.13(2). Report received on January 12, 2012.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Crissy Canganelli, Iowa City—For being named the Iowa City Press-Citizen's Person of the Year for 2011. Senator Dvorsky (1/12/2012).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, January 11, 2012, 2:05 p.m.

Members Present: Dvorsky, Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: McCoy, Vice Chair; Dotzler, and Houser (all excused).

Committee Business: Approved SSB 3008.

Adjourned: 2:35 p.m.

HUMAN RESOURCES

Convened: Thursday, January 12, 2012, 11:05 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Boettger, Bolkcom, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

Members Absent: Bacon and Dotzler (both excused).

Committee Business: Presentation by the Department on Aging.

Adjourned: 11:50 a.m.

WAYS AND MEANS

Convened: Thursday, January 12, 2012, 10:50 a.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Bartz, Chelgren, Hogg, Jochum, Mathis, Quirnbach, Smith, and Zaun.

Members Absent: Anderson, Black, Dotzler, and McCoy (all excused).

Committee Business: Introductions and organization.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 2019, by Danielson, a bill for an act relating to mandatory infant safe sleep training for personnel of child care facilities and child care homes and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2020, by Danielson, a bill for an act allowing an honorably discharged veteran to request that the veteran's driver's license or nonoperator's identification be marked with the letter "v" to indicate veteran status.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2021, by Ragan and Bartz, a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study, and making an appropriation.

Read first time under Rule 28 and referred to committee on **Judiciary**.

INTRODUCTION OF RESOLUTION

Senate Resolution 101, by Beall and Boettger, a resolution congratulating the Republic of China on Taiwan on its twentieth anniversary of participating in the Asia-Pacific Economic Cooperation forum and supporting the Republic of China on Taiwan as a part of the global community.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3011 **Economic Growth/Rebuild Iowa**

Relating to the naming of certain business entities.

SSB 3012 Economic Growth/Rebuild Iowa

Removing provisions relating to inactive programs administered by the department of workforce development.

SSB 3013 Economic Growth/Rebuild Iowa

Authorizing the secretary of state to modify fees for businesses newly organizing in this state during an Iowa start a business month.

SSB 3014 Economic Growth/Rebuild Iowa

Relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

SSB 3015 State Government

Relating to the title of the office of citizens' aide.

SSB 3016 State Government

Establishing a federal-state agreement administration fund for purposes of funding the duties of the state's social security administrator and providing an appropriation.

SSB 3017 State Government

Concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling.

SSB 3018 State Government

Relating to governmental bodies and meetings of governmental bodies under Iowa's open meetings law.

SSB 3019 State Government

Exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

SSB 3020 State Government

Requiring that absentee ballot return envelopes be conspicuously marked with county commissioner of elections receipt and postmark requirements.

SSB 3021 State Government

Relating to the licensure of ambulatory surgical centers, providing fees and penalties, and including effective date provisions.

SSB 3022 State Government

Relating to the licensure of the practice of naturopathic medicine.

SSB 3023 Ways and Means

Updating the Code references to the Internal Revenue Code, and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2003**

TRANSPORTATION: Danielson, Chair; Hahn and Hancock

Senate File 2005

STATE GOVERNMENT: Horn, Chair; Feenstra and Fraise

Senate File 2006

TRANSPORTATION: Danielson, Chair; Hancock and Kapucian

Senate File 2007

APPROPRIATIONS: Schoenjahn, Chair; Danielson and Dix

Senate File 2008

STATE GOVERNMENT: Danielson, Chair; Jochum and Smith

Senate File 2011

STATE GOVERNMENT: Jochum, Chair; Bertrand and Danielson

Senate File 2012

STATE GOVERNMENT: Jochum, Chair; Danielson and Dix

Senate File 2013

STATE GOVERNMENT: Sodders, Chair; Bertrand and Dearden

Senate File 2014

TRANSPORTATION: Hancock, Chair; Ernst and Rielly

SSB 3011

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Bowman and Chelgren

SSB 3012

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Rielly and Whitver

SSB 3013

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Bowman and Chelgren

SSB 3014

ECONOMIC GROWTH/REBUILD IOWA: Wilhelm, Chair; Mathis and Bacon

SSB 3015

STATE GOVERNMENT: Horn, Chair; Feenstra and Fraise

SSB 3016

STATE GOVERNMENT: Kibbie, Chair; McCoy and Smith

SSB 3017

STATE GOVERNMENT: Danielson, Chair; Bertrand and Jochum

SSB 3018

STATE GOVERNMENT: Jochum, Chair; Chelgren and Danielson

SSB 3019

STATE GOVERNMENT: Horn, Chair; Feenstra and McCoy

SSB 3020

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

SSB 3021

STATE GOVERNMENT: Dearden, Chair; Horn and Smith

SSB 3022

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

SSB 3023

WAYS AND MEANS: Bolkcom, Chair; Jochum and Feenstra

FINAL COMMITTEE REPORT OF BILL ACTION**APPROPRIATIONS**

Bill Title: SENATE FILE 2007, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Dvorsky, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 4: McCoy, Dotzler, Fraise, and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 13, 2012

The Senate met in regular session at 9:14 a.m., Senator Sodders presiding.

The Journal of Thursday, January 12, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 10:00 a.m., Tuesday, January 17, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

FY 2011 Report of the Healthy and Well Kids in Iowa Board, pursuant to Iowa Code section 514I.5(7g). Report received on January 12, 2012.

2011 Annual Report on the Iowa Individual Assistance Grant Program, pursuant to Iowa Code section 29C.20A(5). Report received on January 12, 2012.

DEPARTMENT OF NATURAL RESOURCES

FY 2011 Natural Resources and Outdoor Recreation Trust Fund Report, pursuant to 2010 Iowa Acts, SF 2310, section 6. Report received on January 12, 2012.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2011, pursuant to Iowa Code section 8D.10, was received from the following agency:

OFFICE OF AUDITOR OF STATE—Report received on January 12, 2012.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 17, 2012

The Senate met in regular session at 10:12 a.m., President Kibbie presiding.

Prayer was offered by Nina Liu, Senate Page from Urbandale, Iowa, who played “Amazing Grace” on the violin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Sodders.

The Journal of Friday, January 13, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:19 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:21 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:22 a.m. until 9:00 a.m., Wednesday, January 18, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

BOARD OF REGENTS

Economic Development and Technology Transfer Report, pursuant to 2011 Iowa Acts, chapter 130, section 14, and Iowa Code sections 15G.111(5c) and 262B.3(3). Report received on January 13, 2012.

2012–2011 University of Iowa Hospitals and Clinics Audited Financial Report, pursuant to Iowa Code section 263A.13. Report received on January 13, 2012.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Division of Soil Conservation Infrastructure Status Reports. Report received on January 17, 2012.

DEPARTMENT OF COMMERCE (INSURANCE DIVISION)

2012 Annual Consumer Advocate Bureau Report, pursuant to Iowa Code section 505.8(6b). Report received on January 13, 2012.

DEPARTMENT OF PUBLIC HEALTH

Activities of the Direct Care Worker Advisory Council: Update and Report, pursuant to 2011 Iowa Acts, HF 649. Report received on January 17, 2012.

IOWA ECONOMIC DEVELOPMENT AUTHORITY

2011 Third and Fourth Quarterly Reports on the Activities of the Iowa Commission on Volunteer Service, pursuant to Iowa Code section 15H.2(3h). Report received on January 13, 2012.

DEPARTMENT OF NATURAL RESOURCES

2011 Annual Report and Recommendations from the Environmental Protection Commission, pursuant to Iowa Code section 455B.105(5). Report received on January 17, 2012.

IOWA JUDICIAL BRANCH

2012 Enhanced Court Collections Fund and Court Technology Fund Reports, pursuant to 2011 Iowa Acts, SF 511, section 1(8). Report received on January 16, 2012.

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2011, pursuant to Iowa Code section 8D.10, was received from the following agency:

BOARD OF REGENTS—Report received on January 13, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Hattie Cibula, Toledo—For celebrating her 104th birthday. Senator Kapucian (1/17/12).

Sandy Davis, Burlington—For celebrating her 80th birthday. Senator Courtney (1/17/12).

The Honorable Baushuan Ger, Director General of the Taipei Economic and Cultural Office in Chicago—For being recognized as a Distinguished Guest of the people of Iowa. Senator Beall (1/17/12).

Jannan Hancock, Dubuque—For celebrating her 85th birthday. Senator Hancock (1/17/12).

Ray Hines, Belle Plaine—For celebrating his 100th birthday. Senator Kapucian (1/17/12).

Don Landes, West Point—For celebrating his 80th birthday. Senator Courtney (1/17/12).

Patrick and Miriam Lawlor, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (1/17/12).

Phyllis Phillips, Burlington—For celebrating her 90th birthday. Senator Courtney (1/17/12).

George Simon, Jr., Farley—For 46 years of outstanding and dedicated service to the Farley Fire Department and citizens of Iowa. Senator Hancock (1/17/12).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: Tuesday, January 17, 2012, 1:05 p.m.

Members Present: Wilhelm, Chair; Bartz, Ranking Member; Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Beall, Vice Chair (excused).

Committee Business: Presentation by Iowa State Association of Counties and League of Cities.

Adjourned: 1:20 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, January 17, 2012, 10:10 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 101.

Adjourned: 10:15 a.m.

STATE GOVERNMENT

Convened: Tuesday, January 17, 2012, 1:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, Smith, and Sodders.

Members Absent: McCoy (excused).

Committee Business: Organizational meeting.

Adjourned: 1:10 p.m.

STUDY BILLS RECEIVED

SSB 3024 Judiciary

Relating to reimbursements for certain state prisoners confined in a county jail.

SSB 3025 Judiciary

Relating to sexual misconduct committed by agents and employees of the department of corrections and judicial district departments of correctional services, and providing a penalty.

SSB 3026 Judiciary

Relating to the confidentiality of an arrest warrant.

SSB 3027 Judiciary

Relating to a person's refusal to submit to a chemical test of the person's blood in an operating-while-intoxicated case.

SSB 3028 Judiciary

Requiring an aggravated misdemeanor to submit a DNA sample and including effective date provisions.

SSB 3029 Judiciary

Requiring a person convicted of or receiving a deferred judgment for an aggravated misdemeanor to submit a DNA sample and including a contingent effective date.

SSB 3030 Judiciary

Relating to the compilation of a presentence investigation report in a criminal proceeding.

SSB 3031 Judiciary

Relating to the controlled substance of marijuana, including an effective date provision, and providing a penalty.

SSB 3032 Judiciary

Relating to the nomination and appointment of district judges.

SSB 3033 Judiciary

Relating to the appointment and removal of clerks of the district court.

SSB 3034 Judiciary

Relating to the possession, distribution, and reporting of obscene material, and making penalties applicable.

SSB 3035 Human Resources

Relating to the powers and duties of the department on aging.

SSB 3036 Human Resources

Relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions.

SSB 3037 Human Resources

Relating to an exception from state certification for adult day services programs.

SSB 3038 Human Resources

Relating to the sealing and expungement of child abuse registry information.

SSB 3039 Human Resources

Relating to the designation of area agencies on aging, and including effective date provisions.

SSB 3040 Human Resources

Relating to the licensed professionals authorized to prescribe respiratory care services.

SSB 3041 Human Resources

Making changes to the controlled substance schedules, and making penalties applicable.

SSB 3042 Human Resources

Relating to the exchange of information among prescription databases and monitoring programs.

SSB 3043 Human Resources

Relating to physician orders for scope of treatment.

SSB 3044 Human Resources

Relating to the practice of nursing, including defining the functions of an advanced registered nurse practitioner and requiring background checks on nursing students.

SSB 3045 Ways and Means

Relating to the administration of the streamlined sales tax agreement by the department of revenue.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2001**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Bolkcom and Hamerlinck

Senate File 148
(Reassigned)

HUMAN RESOURCES: Bolkcom, Chair; Dotzler and Seymour

Senate File 250
(Reassigned)

HUMAN RESOURCES: Jochum, Chair; Bacon and Bolkcom

Senate File 2001

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Hahn and Seng

Senate File 2004

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Seymour

Senate File 2010

HUMAN RESOURCES: Hatch, Chair; Boettger and Ragan

Senate File 2016

JUDICIARY: Hancock, Chair; Dvorsky and Whitver

Senate File 2017

NATURAL RESOURCES AND ENVIRONMENT: Ragan, Chair; Hamerlinck and Schoenjahn

Senate File 2019

HUMAN RESOURCES: Hatch, Chair; Dotzler and Johnson

House File 693

HUMAN RESOURCES: Hatch, Chair; Dotzler and Seymour

House File 695

HUMAN RESOURCES: Quirnbach, Chair; Bacon and Bolcom

House File 696

HUMAN RESOURCES: Dotzler, Chair; Ragan and Whitver

SSB 3024

JUDICIARY: Quirnbach, Chair; Dix and Hancock

SSB 3025

JUDICIARY: Fraise, Chair; Boettger and Horn

SSB 3026

JUDICIARY: Fraise, Chair; Horn and Ward

SSB 3027

JUDICIARY: Jochum, Chair; Hancock and Sorenson

SSB 3028

JUDICIARY: Sodders, Chair; Horn and Whitver

SSB 3029

JUDICIARY: Sodders, Chair; Horn and Whitver

SSB 3030

JUDICIARY: Jochum, Chair; Boettger and Horn

SSB 3031

JUDICIARY: Fraise, Chair; Dix and Dvorsky

SSB 3032

JUDICIARY: Hogg, Chair; Hancock and Ward

SSB 3033

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

SSB 3034

JUDICIARY: Fraise, Chair; Dvorsky and Ward

SSB 3035

HUMAN RESOURCES: Bolkcom, Chair; Jochum and Seymour

SSB 3036

HUMAN RESOURCES: Jochum, Chair; Mathis and Boettger

SSB 3037

HUMAN RESOURCES: Jochum, Chair; Mathis and Whitver

SSB 3038

HUMAN RESOURCES: Dotzler, Chair; Wilhelm and Whitver

SSB 3039

HUMAN RESOURCES: Bolkcom, Chair; Jochum and Seymour

SSB 3040

HUMAN RESOURCES: Ragan, Chair; Wilhelm and Bacon

SSB 3041

HUMAN RESOURCES: Quirnbach, Chair; Mathis and Boettger

SSB 3042

HUMAN RESOURCES: Wilhelm, Chair; Jochum and Johnson

SSB 3043

HUMAN RESOURCES: Ragan, Chair; Bolkcom and Seymour

SSB 3044

HUMAN RESOURCES: Dotzler, Chair; Quirnbach and Seymour

SSB 3045

WAYS AND MEANS: Dotzler, Chair; Mathis and Smith

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 101, a resolution congratulating the Republic of China on Taiwan on its twentieth anniversary of participating in the Asia-Pacific Economic Cooperation forum and supporting the Republic of China on Taiwan as a part of the global community.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 18, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by James Kessler, 9th District Commander of the American Legion. He was the guest of Senators Johnson and Ernst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Carlee Harmon.

The Journal of Tuesday, January 17, 2012, was approved.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 103, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

SPECIAL GUESTS

Senators Black, Beall, and Boettger welcomed to the Senate chamber the Honorable Baushuan Ger, Director General of the Taipei Economic and Cultural Office in Chicago, Illinois. He was accompanied by members of the Taipei Economic and Cultural Office in Chicago, David Wu, Consul; and Sabine Chen, Consular Officer.

Director General Ger addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Beall asked and received unanimous consent to take up for consideration Senate Resolution 101.

Senate Resolution 101

On motion of Senator Beall, **Senate Resolution 101**, a resolution congratulating the Republic of China on Taiwan on its twentieth anniversary of participating in the Asia-Pacific Economic Cooperation forum and supporting the Republic of China on Taiwan as a part of the global community, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 101, which motion prevailed by a voice vote.

The Senate stood at ease at 9:22 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 9:44 a.m., President Kibbie presiding.

The Senate stood at ease at 9:45 a.m. until the fall of the gavel for the purpose of a joint convention.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 103, duly adopted, the joint convention was called to order at 9:51 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Danielson, Jochum, and Smith on the part

of the Senate, and Representatives Anderson, Rogers, and Thomas on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Adjutant General of the Iowa National Guard, Major General Tim Orr, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Beall, Courtney, and Ernst on the part of the Senate, and Representatives Chambers, Vander Linden, and Kearns on the part of the House.

The joint convention stood at ease at 9:54 a.m. until the fall of the gavel.

The joint convention resumed session at 9:58 a.m., President Kibbie presiding.

Secretary of State, Matt Schultz and State Auditor David Vaudt were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Major General Tim Orr's family and invited guests were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him into the House chamber.

The committee waited upon Major General Tim Orr, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Kibbie presented Major General Tim Orr, Adjutant General of the Iowa National Guard. Major General Orr provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Major General Tim Orr delivered the following Condition of the Iowa National Guard Message:

Good morning Ladies and gentlemen—thank you for that wonderful welcome.

Speaker Paulsen, President Kibbie—Thank you for the opportunity to once again address this joint convention of the 84th General Assembly of the Iowa Legislature.

Governor Branstad, Lieutenant Governor Reynolds, members of the General Assembly, distinguished guests and fellow Iowans:

It is indeed an honor and a privilege to be here today and report on the condition of our Iowa National Guard, an organization that continues to be “Mission Focused and Warrior Ready.” With the exception of about 90 Soldiers and Airmen who are currently mobilized as individual deployers, nearly all of our personnel were home for the holidays. And for the first time since 2001, I can report the Iowa National Guard does not have any units currently deployed overseas.

Last month, the final contingent of American Soldiers departed Iraq, bringing to a close this extraordinary chapter of American military history. As in previous military campaigns and conflicts, the Iowa National Guard played a prominent role and served with honor and distinction.

I am so proud of those who served and sacrificed in Operations Iraqi Freedom and New Dawn. They helped liberate and secure a country and gave hope to millions of Iraqis. Getting to this day was not easy. It tried our political and military leadership in ways unseen since the challenges of Vietnam. Despite these extraordinary circumstances, the men and women who served there did not falter. They carried out their duties day-in and day-out, many on multiple deployments, to ensure mission success.

Company B, of the 2–211th General Support Aviation Battalion, our last Iowa National Guard unit deployed to Iraq, returned home in November after flying more than 7,100 hours in support of Operation New Dawn. As the last CH-47 Chinook Helicopter unit in Iraq, Company B played a critical role helping to remove personnel and equipment in support of the President’s efforts to have all American forces out of Iraq by the end of 2011, transporting 49,000 passengers and over four million pounds of cargo and equipment on more than 1,800 missions.

We thank the more than 7,000 Iowa National Guard Soldiers and Airmen who served in support of these operations. And to their families who sacrificed in order that our Warriors may serve, we are eternally grateful for all they have done and endured.

Success in Iraq came with a heavy price. We will always honor and remember the brave Iowa National Guard Warriors we lost there, our Gold Star Families, our Wounded Warriors and all those whose lives have been forever changed by the adversity of war. We are grateful that so many were willing to serve and sacrifice in spite of these challenges. It is a testament to the character and values of the men and women who serve our state and nation in uniform.

I am so incredibly proud of our Iowa National Guard family—our Soldiers, Airmen, families, employers, volunteers, and our communities. We owe them a huge debt of gratitude for all they have done to make a difference in this noble endeavor.

The deployments of the last 10 years were unprecedented in recent memory as nearly 15,000 Iowa National Guard Soldiers and Airmen mobilized for overseas contingency operations. These missions demonstrated the performance and promise of the Iowa National Guard which is truly your hometown military. Tough, reliable, resilient, adaptable and above all, ready when called - the Iowa National Guard played a vital role in helping defend the Nation during a critical time in our history.

Though busy overseas, we did not lose sight of our most critical mission—homeland defense and support. In fact, we responded to numerous disasters both here in Iowa and across the country that were often exceptional in both size and scope. In doing so, we fulfilled our statutory and constitutional responsibilities to help defend the nation and provide the governor with a state emergency response force.

We are able to protect communities here in Iowa and help defend the United States overseas for approximately one-third the cost of active duty Soldiers and Airmen, making the National Guard the “Best value for America.”

Two weeks ago, President Obama outlined his Defense Strategic Guidance for sustaining U.S. global leadership in the 21st Century. Based on this guidance, U.S. defense priorities are being reviewed. Part of this process will include looking at the mix of active and reserve component forces. In doing so, we must ensure the National Guard continues to play a vital role as an operational complement to our active duty services.

The most logical option for the Nation to preserve its military capability, capacity and depth in times of fiscal constraints is through continued reliance on the National Guard. To do this, the National Guard must remain a modern force, capable of rapidly mobilizing, deploying and integrating into ongoing and future contingency operations.

Since the founding of our Republic, the United States has been and continues to be a “militia nation.” This tradition is embedded in our culture and enshrined in our Constitution. With the exception of the large standing military necessitated by World War II and the confrontation with the Soviets during the Cold War, we have traditionally maintained a small active duty force backed up by a strong militia, the successor of which is today’s National Guard.

We are fortunate that Governor Branstad currently serves as the co-chair for the President’s Council of Governors. The council provides a forum for governors to exchange views, information or advice with the Department of Defense, Homeland Security and other federal agencies concerning matters of mutual interest regarding National Guard, homeland defense and civil support activities. This council is intended to strengthen the partnership between the federal, state and local governments to better protect our nation, and provide Governors, who serve as the commander and chief of the individual state National Guard forces, a voice in the process.

One way we hope to support and adapt to the changing environment is through the National Guard’s State Partnership program (SPP). The March 2011 selection of the Iowa National Guard with the Republic of Kosovo, as the newest state partnership program in the National Guard, will enhance civil and military relationships and strengthen partnership capacity between the United States and Kosovo. The current focus of the program is on noncommissioned officer and officer development activities as well as cooperative initiatives in the disaster response and emergency management arena.

Partnering with Kosovo is a natural fit for the Iowa National Guard and the state of Iowa. Our relationship with Kosovo is not new, over the course of the last 10 years we have deployed hundreds of Iowa National Guard Soldiers there as part of NATO’s peacekeeping security force. The most recent unit, Company C, 2nd Battalion, 147th Aviation, returned home from Kosovo in April, where they successfully flew more than 150 missions supporting 15 different NATO countries. One of their greatest accomplishments was building strong relationships with Kosovo communities by providing English instruction to local students and helping them with college entrance requirements.

Our goal is to build a “Whole of Iowa” to “Whole of Kosovo” relationship. An example of this approach would be in the area of education where the state of Iowa is a national leader. The Iowa-Kosovo SPP is off to a fast and productive start with

engagements with the Kosovo Security Forces, Kosovo's minister of Defense, Foreign Affairs, Internal Affairs, Agriculture, Health and Education. We currently have conducted over 12 exchange events with Kosovo since March 2011.

One of our near-term goals is to establish a Sister State relationship and foster several sister city relationships to further enhance this partnership. Working with our communities and the Iowa Sister States' program, we want to establish relationships that will be of mutual interest to the citizens of Iowa and Kosovo.

Today, I am pleased to introduce Maj. Gen. Kadri Kastrati, the commander of the Kosovo Security Force, who is with us this morning as my honored guest. I asked him to be here today to help highlight this critically important relationship, observe our legislative process and meet some of our key leaders.

Please join me in giving Gen. Kastrati a warm Iowa welcome.

Gen. Kastrati, thank you for making this journey to join us here today. We are honored to be partnered with Kosovo and we look forward to a strong and productive relationship in the years ahead.

Since its inception in 1989, the Iowa National Guard's Counter Drug Task Force, which is federally funded through the Department of Defense, has played an important role in helping reduce both the supply and demand of illicit drugs in the state of Iowa. It adds value to our communities by making them safer, leverages unique military skills and dual-use equipment, and serves as another example of the performance and promise of your hometown military.

By providing professional, military analytical support to federal, state and local law enforcement agencies throughout the state, we have assisted with thousands of cases leading to nearly 1,700 arrests and the seizure of over \$38 million in illicit drugs as well as more than \$1.7 million in cash and assets. Our Counterdrug Aviation Detachment helicopter support section provides aerial reconnaissance and surveillance, integration, and command and control to support law enforcement drug interdiction efforts.

The Midwest Counter-Drug Training Center, located on Camp Dodge, provides critical training at no cost to law enforcement officers, military personnel, and prevention and treatment professionals. Last year, the Midwest Counter-Drug Training Center conducted 340 courses, training over 13,000 students from across the United States. This program is especially important for small or rural law enforcement agencies that do not have the funding to pay for this type of training.

A year and a half ago, we deployed nearly 3,000 Iowa National Guard Soldiers from every corner of the state to Afghanistan for our largest deployment since World War II. This deployment, which took nearly one third of our force, was a tremendous undertaking for our entire organization. We pulled Soldiers and units from across the state to augment the 2nd Brigade, relied heavily on our state headquarters and other supporting commands to assist with mobilizing Soldiers, moving equipment and taking care of families while their loved-one was away. It was truly a statewide effort.

The 2nd Brigade, Task Force Red Bulls, conducted a complex mission in a very challenging part of the world. For only the second time in recent memory, a National Guard Brigade Combat Team assumed responsibility for "battlespace" in Afghanistan. From the relative peace of Panjshir province, to the complex operations of Bagram Air Field and the instabilities of Laghman Province, Iowa National Guard Soldiers distinguished themselves in accomplishing their mission.

They participated in one of the largest airborne assaults and clearing operations conducted by the 101st Airborne Division, doing so without suffering any battlefield injuries. They established a new district center in the Galush valley bringing security and government services to a remote population threatened by Taliban insurgents.

They hunted down and removed high value targets from the battlefield, helping to lessen roadside bomb and rocket attacks on our forces. They worked to train Afghan Soldiers and police officers, doing so with the unique skills that only a Citizen-Soldier can provide.

With only a few hours to prepare, they flew into a dangerous corner of Nuristan Province with their Afghan National Army partners to reclaim a police station overrun by Taliban insurgents. Though outnumbered, these Red Bull Soldiers fought off a determined enemy force for more than eight hours. Reinforced by U.S. Special Forces and Afghan Commando elements, they retook the district center, and suffered no friendly casualties.

When the call came out to secure a downed helicopter, it was Iowa Red Bull Soldiers who responded, helping to stop insurgents from overrunning the crash site and allowing friendly forces to recover the crew.

And perhaps most importantly, TF Red Bulls led the way in developing transition plans for much of its area of responsibility including Panjshir and Parwan Provinces as well as the Mehtar Lam municipality. These were critical steps in preparing these areas to assume greater responsibility for their own security, development efforts and governance.

While Task Force Red Bulls was securing its corner of Afghanistan, the 734th Agribusiness Development Team, also known as Task Force Hawkeye, was busy conducting operations in Kunar Province. This joint Iowa Army and Air National Guard team initiated or expanded demonstration farms in six different districts; they implemented Veterinary Outreach Sustainment Programs which helped Afghan veterinarians treat nearly 40,000 head of livestock; they underwrote the planting of more than 70,000 trees for orchards and reforestation; they facilitated, or conducted training of hundreds of Afghan men and women on tree nurseries, orchard planting, greenhouse growing, row crop production, veterinary professional development, and basic livestock care; they funded cash-for-work canal cleaning projects that made possible the irrigation of thousands of acres of agricultural land; and through their Female Engagement Team launched a range of micro-entrepreneurial projects for Afghan women including soap-making, in-home sewing and small-scale poultry production.

Because of the unique nature of the Ag Development Team's mission, several Iowa organizations provided support to their deployment by assisting them with pre-mobilization training and reach-back capability while they were in Afghanistan. I want to mention and thank the following organizations for their assistance and support to this important mission:

- The Iowa Department of Agriculture
- Iowa State University
- Living History Farms
- The Agribusiness Association of Iowa
- The Amish community in Edgewood, Iowa
- Coe College
- Cutting Edge Martial Arts in Washington, Iowa, and
- White Oak Vineyards

The 132nd Fighter Wing was also busy supporting overseas contingency operations. They provided five, F-16 aircraft and 54 Airmen to assist another fighter wing with its Air Expeditionary Force rotation to Afghanistan and sent 34 Expeditionary Combat Support Airmen to 11 locations in Southwest Asia.

This past year, the wing flew more than 3,700 hours, which is 103 percent of their allocated flying hours, doing so with the lowest funded maintenance package in the Air

National Guard. Because of this, they have the second lowest cost per flying hour compared to all ANG F-16 units and are the only Air National Guard wing to reduce energy costs four straight years. Perhaps most impressive and important is their safety record. They have amassed a phenomenal record of nearly 94,000 flight hours without a serious mishap and have one of the best maintenance groups in the Air Force as demonstrated by winning the 2011 Air National Guard Maintenance Effectiveness Award.

The Des Moines Airbase's 132nd Distributed Training Operations Center provides daily tactical Distributed Mission Operations training events on 18 types of weapons systems to nearly 70 different sites across the country. Last year, this one-of-a-kind capability supported 4,700 events, trained 9,600 war fighters and fulfilled over 20,000 training requirements, providing a significant cost savings to the Department of Defense training budget.

In Sioux City, the 185th Air Refueling Wing built on its outstanding record by winning the Airlift Tanker Association's Maj. Gen. Stanley F.H. Newman Award for being the best tanker wing in the country.

They deployed 370 Airmen in support of contingency operations at 24 overseas and two stateside locations including two simultaneous deployments to Al Udeid Air Force Base in Qatar and Anderson Air Force Base in Guam. As one of the first Air National Guard units tasked to support hostilities occurring in Libya, they flew nearly 590 hours during 65 missions in which they provided more than two million pounds of fuel to aircraft supporting Operations ODYSSEY DAWN and UNIFIED PROTECTOR.

They conducted three, two-week Aero-Medical Evacuations missions out of Bagram Air Field, helping to evacuate 177 wounded warriors from combat operations in Afghanistan. They also flew three air evacuation missions stateside, safely transporting 75 critical care patients throughout the United States, and executed seven missions in the Pacific theater evacuating more than 100 injured patients from that area.

While we are grateful so many of our Iowa National Guard Warriors have returned home after a busy year of deployments, we must not forget those still recovering from injury or illness related to their mobilizations. More than 100 of our wounded Warriors are still receiving medical care, either at military treatment facilities across the country or from health care providers in their local communities. For us, these deployments are not truly over until the last of our wounded Warriors return home. It is our solemn obligation to keep faith with those who served and sacrifice and ensure they receive all the support and assistance they require.

On the domestic response front, we provided Iowa National Guard assistance to combat unprecedented flooding along the Missouri river. While not our largest state response mission, it was by far our longest, lasting more than 100 days. During the course of this emergency, we put nearly 1,000 Soldiers and Airmen on State Active Duty to assist.

Starting in May, we provided a UH-60 "Blackhawk" helicopter through a mutual-assistance mission to help local authorities place large sandbags in the Dakota Dunes area of Southeastern South Dakota.

In support of the Homeland Security Emergency Management Division, we set up a Joint Task Force and dispatched Iowa National Guard alumni to coordinate with county-level civilian emergency managers and officials. We also dispatched Critical Infrastructure Assessment Teams, which consists of uniformed National Guard personnel familiar with civil constructions topics, to provide assessments on ongoing infrastructure issues.

Starting June 4, levee breaches in Missouri required the mandatory evacuation of 600 citizens from Hamburg, Iowa. We provided helicopter support to place sandbags to

shore up the failing levees. On June 10, we provided Iowa Air and Army National Guard personnel to monitor levees in Sioux City and Pottawattamie and Mills Counties. By the mid-August operational peak, we had approximately 284 Guard members on duty to support civil flood response efforts. When five inches of rain and hail in the Council Bluffs area caused local flooding, we provided six high-water tactical vehicles to assist with emergency rescue operations, helping to evacuate 24 children from a school bus stalled in four feet of water, as well as seven people and two pets.

One reason we've been able to maintain our position as a national leader among our fellow states is because of our National Guard Educational Assistance Program (NGEAP). This critical recruiting and retention tool helps ensure our readiness. Without it, we couldn't have mustered the necessary personnel to meet all of our overseas and in-state mobilization requirements over the last 15 years. NGEAP is also a great benefit to our Soldiers and Airmen. Each year approximately 1,100 to 1,200 of our members attend Iowa colleges and universities through this program. It keeps young people here in the state and through their service in the Iowa National Guard helps deepen their Iowa roots. We greatly appreciate the assistance provided by the Governor, the legislature and the Iowa College Student Aid Commission to ensure we help to meet the education needs of our Iowa National Guard Warriors in exchange for their service to our state.

Most of our members come back from deployment and return to what they were doing before they left. They return to work, go back to the farm, enroll in school or pursue new opportunities. However, some find this transition difficult. They may have been unemployed or underemployed before deploying or returned to find their positions eliminated due to the economic downturn. Others may simply want a new challenge after their deployment experience. Whatever the reason, nearly 10 percent of our returning Warriors are looking for work. And we have an obligation to help.

Working with the Employer Support of the Guard and Reserve and our Job Connection Education program, we are actively working to assist our Soldiers, Airmen and their spouses to find gainful employment. We have partnered with Iowa Workforce Development and local human resource management groups to assist our members. Through this process we have developed a one day course designed to assist returning service members searching for work. We assist them with writing resumes and cover letters in order to translate their military experience into meaningful civilian skills. We work on interviewing techniques and practice interviewing skills and we prepare them for job fairs.

Through our partnerships with Iowa Workforce Development, we have placed computers kiosks in our armories to assist our members with finding and applying for job openings. Last October we supported with other state and federal agencies a Veterans' job fair and have begun posting job openings, targeting veterans on websites like the National Guard's Jobs Connection Education Program and Employer Partnership.

Despite our largest deployment since World War II and the lengthiest state mobilization in recent memory, the Iowa National Guard continued to demonstrate the performance and promise of your hometown military. Regardless of the challenge, we will remain "Always Ready and Always There" for the citizens of our great state and the defense of America.

The future remains uncertain. As the challenges of the last 10 years fade, new ones are sure to emerge. Budget constraints and shifting priorities will impact how we operate and what we are asked to do in the years ahead. Despite these challenges, the Iowa National Guard will remain "Mission Focused and Warrior Ready."

On behalf of our Soldiers, Airmen and their families, I want to thank you for this opportunity to provide an assessment of the Iowa National Guard. We are so grateful for the continued support we receive from the General Assembly, the Governor, Lieutenant Governor, and the citizens of Iowa.

Thank you, Ladies and Gentlemen.

Major General Tim Orr was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Speaker Paulsen presented President Kibbie with a gavel to honor him for his years of service.

President Kibbie addressed the Joint Session with brief remarks.

The Joint Session expressed its appreciation.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

The Senate resumed session at 10:52 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2007 and 2018.

(Senate File 2007 was deferred.)

The Senate stood at ease at 10:53 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:43 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2007.

Senate File 2007

On motion of Senator Schoenjahn, **Senate File 2007**, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sorenson, until he returns, on request of Senator Zaun.

Senator Dix offered amendment S-5002, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5002 be adopted?" (S.F. 2007), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, 1:

Sorenson

Amendment S-5002 lost.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2007), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	McKinley	
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, 1:

Sorenson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2018

On motion of Senator Danielson, **Senate File 2018**, a bill for an act relating to financial assistance for purposes of the battleship Iowa, BB-61, making appropriations, and including effective date provisions, was taken up for consideration.

Senator Chelgren offered amendment S-5001, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5001 be adopted?” (S.F. 2018), the vote was:

Yeas, 22:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Ward
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	McKinley	
Boettger	Hahn	Seymour	

Nays, 27:

Beall	Dotzler	Horn	Ragan
Black	Dvorsky	Jochum	Rielly
Bolkcom	Fraise	Kettering	Schoenjahn
Bowman	Gronstal	Kibbie	Seng
Courtney	Hancock	Mathis	Sodders
Danielson	Hatch	McCoy	Wilhelm
Dearden	Hogg	Quirnbach	

Absent, 1:

Sorenson

Amendment S–5001 lost.

Senator Sodders took the chair at 12:17 p.m.

Senator Kibbie withdrew amendment S–5003, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2018), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Ward

Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	McKinley	
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, 1:

Sorenson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2007 and 2018** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:47 p.m. until 9:00 a.m., Thursday, January 19, 2012.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Tuesday, January 17, 2012, 2:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: None.

Committee Business: Presentation by the Department of Agriculture, IDALS Soil Conservation Division, and IDALS Consumer Protection and Industry Services Division.

Adjourned: 2:55 p.m.

TRANSPORTATION

Convened: Wednesday, January 18, 2012, 1:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Presentation by the Department of Transportation.

Adjourned: 1:55 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 102, by Danielson, a resolution recognizing the month of April 2012 as Genocide Awareness Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2022, by Kibbie, a bill for an act relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 2023, by Kibbie and Johnson, a bill for an act eliminating the department of education's authority to approve certain requests to waive the school start date.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2024, by Kibbie, a bill for an act relating to workforce training programs in community colleges and making appropriations.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2025, by Chelgren, a bill for an act relating to the civil liability of a person performing necessary improvements to a secondary road.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2026, by Beall and Ernst, a bill for an act providing for the issuance of woman veteran motor vehicle registration plates, and establishing and allocating fees.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2027, by Danielson, a bill for an act relating to directives to the department of human services regarding changes in the IowaCare and Medicaid programs.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2028, by Quirnbach, McCoy, Kibbie, Fraise, Horn, Dearden, Hatch, Seng, Dotzler, Dvorsky, and Bolkcom, a bill for an act prohibiting employment discrimination based on unemployment status and providing remedies.

Read first time under Rule 28 and referred to committee on **Judiciary**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 5 (Reassigned)

WAYS AND MEANS: Quirnbach, Chair; Bartz and Mathis

Senate File 281

HUMAN RESOURCES: Quirnbach, Chair; Bacon and Bolkcom

Senate File 2015

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Feenstra

Senate File 2021

JUDICIARY: Hogg, Chair; Boettger and Sodders

Senate File 2025

JUDICIARY: Quirnbach, Chair; Dix and Hancock

Senate File 2026

TRANSPORTATION: Beall, Chair; Danielson and Ernst

SSB 3046

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Dotzler

SSB 3047

WAYS AND MEANS: Hogg, Chair; Quirnbach and Zaun

SSB 3048

WAYS AND MEANS: Bolkcom, Chair; Anderson and Mathis

SSB 3049

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Bolkcom and Hahn

SSB 3050

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Hahn and Ragan

SSB 3051

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hamerlinck

SSB 3052

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Kapucian and Seng

SSB 3053

HUMAN RESOURCES: Jochum, Chair; Bolkcom and Seymour

SSB 3054

HUMAN RESOURCES: Wilhelm, Chair; Bacon and Ragan

SSB 3055

JUDICIARY: Sodders, Chair; Dvorsky and Whitver

SSB 3056

HUMAN RESOURCES: Hatch, Chair; Ragan and Seymour

SSB 3057

STATE GOVERNMENT: Danielson, Chair; Kibbie and Sorenson

STUDY BILLS RECEIVED**SSB 3046 Ways & Means**

An act relating to the property tax assessments of certain rental property for low-income and moderate income residents.

SSB 3047 Ways & Means

An act relating to the amount of net income for which state individual income tax is not imposed and for which a return is not required to be filed and including retroactive applicability provisions.

SSB 3048 Ways & Means

An act relating to an income tax checkoff for the anatomical gift public awareness and transplantation fund, making an appropriation, and including retroactive applicability provisions.

SSB 3049 Natural Resources and Environment

An act relating to pollution prevention and waste management assistance.

SSB 3050 Natural Resources and Environment

An act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

SSB 3051 Natural Resources and Environment

An act relating to the issuance of hunting and fishing licenses and providing for fees.

SSB 3052 Natural Resources and Environment

An act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable.

SSB 3053 Human Resources

An act relating to the supervision of physician assistants.

SSB 3054 Human Resources

An act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

SSB 3055 Judiciary

An act relating to crime victims, including restitution plan hearings, crime victim compensation, and the identity theft passport program.

SSB 3056 Human Resources

An act relating to the Iowa health information network, providing for fees, and including effective date provisions.

SSB 3057 State Government

An act relating to the practice of optometry.

AMENDMENTS FILED

S-5001	S.F.	2018	Mark Chelgren
S-5002	S.F.	2007	Bill Dix
S-5003	S.F.	2018	John P. Kibbie

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 19, 2012

The Senate met in regular session at 9:04 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by the Honorable Merlin Bartz, member of the Senate from Worth County, Grafton, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hailey Albert.

The Journal of Wednesday, January 18, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 a.m. until 1:00 p.m., Monday, January 23, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF REVENUE

2011 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 15E.46. Report received on January 19, 2012.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, January 19, 2012, 1:05 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bolkcom, Kettering, Mathis, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Bertrand, Courtney, Feenstra, and Zaun (all excused).

Committee Business: Organizational meeting.

Adjourned: 1:25 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Wednesday, January 18, 2012, 4:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bowman, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Bertrand and Chelgren (both excused).

Committee Business: Presentations on ESOP and All Star Ballpark Heaven.

Adjourned: 5:05 p.m.

EDUCATION

Convened: Wednesday, January 18, 2012, 2:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Presentation on National Guard education opportunities.

Adjourned: 3:35 p.m.

HUMAN RESOURCES

Convened: Wednesday, January 18, 2012, 1:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

Members Absent: Dotzler (excused).

Committee Business: Presentation by the Department of Human Services on mental health redesign.

Adjourned: 2:00 p.m.

VETERANS AFFAIRS

Convened: Wednesday, January 18, 2012, 2:10 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: Black (excused).

Committee Business: Approved SSB 3010.

Adjourned: 2:40 p.m.

WAYS AND MEANS

Convened: Tuesday, January 17, 2012, 11:20 a.m.

Members Present: Bolkcom, Chair; Feenstra, Ranking Member; Anderson, Bartz, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, and Zaun.

Members Absent: Seng, Vice Chair; Black, and Smith (all excused).

Committee Business: Presentation by the LSA Fiscal Services Division on tax increment financing.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 19, 2012, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentation by the LSA Fiscal Services Division on governor's FY 2013 budget recommendations.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 19, 2012, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Introductions and discussion of governor's budget.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, January 19, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Review FY 2013 budget.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 19, 2012, 10:20 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: LSA presentation.

Adjourned: 11:15 a.m.

INTRODUCTION OF BILLS

Senate File 2029, by Hogg, a bill for an act establishing a state renewable energy production goal.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2030, by Beall, a bill for an act relating to domestic abuse protective orders and pets or companion animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in a domestic abuse case.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2031, by McCoy, a bill for an act relating to the statute of repose period in a case arising out of the unsafe or defective condition of an improvement to real property and including an applicability date provision.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2032, by Bolkcom, Danielson, Dvorsky, Dotzler, Jochum, Hancock, Hatch, Dearden, Horn, Fraise, Courtney, Kibbie, McCoy, Quirmbach, Beall, Mathis, Wilhelm, Ragan, Hogg, Soddors, and Schoenjahn, a bill for an act relating to advocacy for long-term care residents and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2033, by Kettering, a bill for an act providing for a partial allocation of financial institution franchise tax revenue to cities and counties, making an appropriation, and providing effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2034, by McCoy, a bill for an act relating to the retention of funds due to contractors on public improvements.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2035, by Beall, a bill for an act relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring planning for training requirements, and providing for the distribution of information on child sexual abuse, and providing a remedy.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2036, by Anderson and Kettering, a bill for an act relating to rules adopted by the state board of education for the provision and supervision of courses delivered by means of telecommunications.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2037, by Hamerlinck, Ernst, and Beall, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 2038, by committee on Veterans Affairs, a bill for an act relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2039, by Schoenjahn, a bill for an act relating to identifying the location of underground facilities.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2040, by Courtney, a bill for an act to increase the state minimum hourly wage.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 2041, by Hatch, Bolckcom, Dearden, Horn, Fraise, Courtney, Kibbie, McCoy, Quirnbach, Beall, Mathis, Danielson, Dvorsky, Dotzler, Rielly, Jochum, Hancock, Schoenjahn, Seng, Bowman, Hogg, Black, and Soddors, a bill for an act establishing a self-employment assistance program for recipients of unemployment compensation benefits and providing a termination date.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

STUDY BILLS RECEIVED

SSB 3058 Natural Resources and Environment

Relating to the identification of owners of blinds and stands for hunting deer and making penalties applicable.

SSB 3059 Natural Resources and Environment

Requiring whitetail to be tagged as farm deer.

SSB 3060 Natural Resources and Environment

Requiring the department of natural resources to produce, and submit to the general assembly, a product stewardship report.

SSB 3061 Judiciary

Relating to the practices and procedures of the state public defender.

SSB 3062 Commerce

Relating to surety bond requirements for fire extinguishing system and alarm system contractors and fire protection system installers and maintenance workers.

SSB 3063 Commerce

Relating to third-party payment of services provided by a doctor of chiropractic.

SSB 3064 Commerce

Subjecting the acts of an auctioneer in conducting a public sale or auction of real estate to real estate broker and salesperson licensing provisions, making penalties applicable, and including effective date provisions.

SSB 3065 Commerce

Providing for increases in monetary limits applicable to motor vehicle-related credit transactions pursuant to the consumer credit code.

SSB 3066 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions.

SSB 3067 Commerce

Relating to matters under the purview and authority of the professional licensing and regulation bureau of the banking division of the department of commerce.

SUBCOMMITTEE ASSIGNMENTS

Senate File 64
(Reassigned)

COMMERCE: Rielly, Chair; Beall and Bertrand

Senate File 95
(Reassigned)

COMMERCE: Bertrand, Chair; McCoy and Rielly

Senate File 114
(Reassigned)

COMMERCE: McCoy, Chair; Beall and Zaun

Senate File 225
(Reassigned)

COMMERCE: McCoy, Chair; Anderson and Courtney

Senate File 235
(Reassigned)

COMMERCE: Rielly, Chair; Feenstra and McCoy

Senate File 258
(Reassigned)

COMMERCE: Rielly, Chair; Courtney and Kettering

Senate File 354
(Reassigned)

COMMERCE: McCoy, Chair; Anderson and Schoenjahn

Senate File 388

COMMERCE: Bolkcom, Chair; Anderson and McCoy

Senate File 390

COMMERCE: McCoy, Chair; Rielly and Ward

Senate File 2020

TRANSPORTATION: Danielson, Chair; Ernst and Rielly

Senate File 2023

EDUCATION: Hogg, Chair; Dvorsky and Johnson

Senate File 2024

EDUCATION: Sodders, Chair; Hamerlinck and Schoenjahn

Senate File 2027

HUMAN RESOURCES: Hatch, Chair; Johnson and Ragan

Senate File 2028

JUDICIARY: Quirnbach, Chair; Hancock and Sorenson

Senate File 2030

JUDICIARY: Horn, Chair; Dix and Hancock

Senate File 2031

JUDICIARY: Hogg, Chair; Boettger and Jochum

House File 561

COMMERCE: McCoy, Chair; Rielly and Ward

SSB 3058

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Hahn and Ragan

SSB 3059

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

SSB 3060

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Hahn and Seng

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 23, 2012

The Senate met in regular session at 1:06 p.m., President Kibbie presiding.

Prayer was offered by Pastor Al Hazelton of the First Assembly of God Church in Harlan, Iowa. He was the guest of Senator Boettger.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Thursday, January 19, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:21 p.m. until 9:00 a.m., Tuesday, January 24, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF TRANSPORTATION

FY 2011 Biodiesel Fuel Revolving Fund Expenditures Report, pursuant to 2001 Iowa Acts, SF 465. Report received on January 20, 2012.

FY 2011 Highway Construction Program Expenditures/Obligations, pursuant to Iowa Code section 307.12(1o). Report received on January 19, 2012.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2011, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA NATIONAL GUARD—Report received on January 20, 2012.

REPORT OF COMMITTEE MEETING

EDUCATION

Convened: Monday, January 23, 2012, 2:05 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Presentations by the Department of Education, Kirkwood Community College, and United Way of East Central Iowa.

Adjourned: 3:05 p.m.

INTRODUCTION OF BILLS

Senate File 2042, by Hatch, a bill for an act providing for the establishment of the Iowa health benefit marketplace and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2043, by Chelgren, a bill for an act prohibiting the use of automated traffic law enforcement systems, providing for temporary continuation of existing automated traffic law enforcement programs, providing for the disposition of fines, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2044, by Ragan, a bill for an act relating to the licensing of schools of cosmetology arts and sciences.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2045, by Bowman, a bill for an act exempting certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 2046, by Hogg, a bill for an act establishing a property tax exemption for property meeting specified energy efficiency and environmental quality standards and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2047, by Ernst, a bill for an act relating to membership qualifications for city commissions for areas of historical significance.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 2048, by Ernst, a bill for an act exempting federal retirement pay received for military service from the state individual income tax and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2049, by Ernst, a bill for an act providing an exemption from the computation of the state individual income tax of all pay, including retirement pay, received from the federal government for military service and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2050, by Hogg, a bill for an act increasing the amount of generating capacity eligible for the renewable energy tax credit.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILLS RECEIVED

SSB 3068 Veterans Affairs

Creating the hire a hero tax credit and including retroactive applicability provisions.

SSB 3069 Veterans Affairs

Requiring the commission of veterans affairs to take certain actions related to a plan to establish a veterans national recovery center in Newton, and including effective date provisions.

SSB 3070 Local Government

Relating to meeting requirements for rural water districts.

SSB 3071 Appropriations

Relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

SSB 3072 Economic Growth/Rebuild Iowa

Relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2033

WAYS AND MEANS: Bolkcom, Chair; Bartz and Quirmbach

Senate File 2035

EDUCATION: Beall, Chair; Dvorsky and Johnson

Senate File 2041

ECONOMIC GROWTH/REBUILD IOWA: Hatch, Chair; Bacon and Bowman

SSB 3068

VETERANS AFFAIRS: Beall, Chair; Ragan and Seymour

SSB 3069

VETERANS AFFAIRS: Sodders, Chair; Black and Greiner

SSB 3070

LOCAL GOVERNMENT: Bowman, Chair; Schoenjahn and Bacon

SSB 3071

APPROPRIATIONS: Dvorsky, Chair; Hancock and Dix

SSB 3072

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bertrand and Dotzler

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 24, 2012

The Senate met in regular session at 9:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Monday, January 23, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:11 a.m. until 9:00 a.m., Wednesday, January 25, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

CLAY COUNTY AUDITOR

2011 Risk Pool Funding Distribution Review, pursuant to Iowa Code section 426B.5. Report received on January 24, 2012.

DEPARTMENT OF HUMAN SERVICES

Iowa Mental Health and Disability Services Commission Annual Report, pursuant to Iowa Code section 225C.6(1h). Report received on January 24, 2012.

DEPARTMENT OF JUSTICE

2011 Prosecutor Intern Program Annual Report, pursuant to Iowa Code section 13.2(1m). Report received on January 24, 2012.

DEPARTMENT OF REVENUE

2011 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 15E.46. Report received on January 24, 2012.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

FY 2011 Comprehensive Annual Financial Report, pursuant to Iowa Code section 97B.4(4a). Report received on January 24, 2012.

FY 2011 Report on Sudan-Related Divestment Activities, pursuant to Iowa Code section 12F.5. Report received on January 24, 2012.

WORLD FOOD PRIZE FOUNDATION

Activities and Expenditures Report, pursuant to 2007 Iowa Acts, SF 562. Report received on January 24, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

John Lauer, West Union—For achieving the rank of Eagle Scout, Troop 54. Senator Schoenjahn (1/24/12).

Joe “Don’t Ya Know” Karpuk, Sioux City—For celebrating his 90th birthday. Senator Bertrand (1/24/12).

Saint Columbkille School, Dubuque—For winning the National Blue Ribbon School award. Senator Hancock (1/24/12).

Henrietta Shipp, Elk Run Heights—For celebrating her 95th birthday. Senator Dotzler (1/24/12).

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: Thursday, January 19, 2012, 1:05 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bolkcom, Kettering, Mathis, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Bertrand, Courtney, Feenstra, and Zaun (all excused).

Committee Business: Organizational meeting.

Adjourned: 1:25 p.m.

ALSO:

Convened: Tuesday, January 24, 2012, 2:05 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Zaun (excused).

Committee Business: Assigned bills to committees.

Adjourned: 2:15 p.m.

STATE GOVERNMENT

Convened: Monday, January 23, 2012, 3:10 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Feenstra, Fraise, Hatch, Horn, Jochum, and McCoy.

Members Absent: Dearden, Dix, Smith, and Soddors (all excused).

Committee Business: Assigned bills to committees.

Adjourned: 3:15 p.m.

WAYS AND MEANS

Convened: Tuesday, January 24, 2012, 1:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, Quirmbach, and Zaun.

Members Absent: McCoy and Smith (both excused).

Committee Business: Presentation by the Iowa Policy Project on tax increment financing.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 19, 2012, 10:15 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; and Hahn.

Members Absent: Wilhelm (excused).

Committee Business: Discussed governor's proposed budget.

Adjourned: 10:40 a.m.

ALSO:

Convened: Tuesday, January 24, 2012, 10:10 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

Members Absent: Houser, Ranking Member (excused).

Committee Business: Presentations by the Conservation Districts of Iowa and the State Soil Conservation Committee.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, January 19, 2012, 10:20 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentation by LSA.

Adjourned: 11:05 a.m.

ALSO:

Convened: Tuesday, January 24, 2012, 10:05 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; Bertrand and Mathis.

Members Absent: None.

Committee Business: Presentation by the Iowa Economic Development Authority.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, January 24, 2012, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations on the National Guard Educational Assistance Program and the College Student Aid Commission.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, January 24, 2012, 10:15 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; and Fraise.

Members Absent: Smith (excused).

Committee Business: Presentation by the State Court Administrator.

Adjourned: 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, January 19, 2012, 10:15 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Organizational meeting and presentation by LSA.

Adjourned: 10:50 a.m.

ALSO:

Convened: Tuesday, January 24, 2012, 10:05 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Iowa Communications Network and the Iowa State Fair Authority.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 2051, by Bolkcom, a bill for an act relating to the department on aging and making appropriations.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2052, by Hatch, Bolkcom, Dotzler, Dvorsky, Danielson, Horn, Fraise, Courtney, Beall, Gronstal, Dearden, Black, Mathis, Wilhelm, Jochum, Ragan, Hogg, Seng, Bowman, Schoenjahn, Kibbie, Rielly, and Soddors, a bill for an act relating to and making appropriations to the state board of regents for programs established by the state board or its universities that are designed to increase college readiness and college awareness in potential first-generation college students and underrepresented minority populations, and to increase the number of ethnically diverse Iowa students in agriculture, science, technology, engineering, and mathematics degree programs.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2053, by Bolkcom, Quirnbach, Mathis, Wilhelm, Jochum, Ragan, Danielson, Seng, Dotzler, Hatch, Horn, Fraise, Courtney, Beall, Gronstal, and Schoenjahn, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2054, by Danielson, a bill for an act relating to the calculation of a child support obligation based on voluntary unemployment or underemployment.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2055, by Feenstra, a bill for an act authorizing the use of crossbows by certain youth to hunt deer.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2056, by Anderson, a bill for an act providing restrictions on the naming of certain business entities.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2057, by Anderson, a bill for an act providing that the secretary of state may modify fees associated with businesses newly organizing in this state during an Iowa start a business month.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2058, by Danielson, a bill for an act relating to certain records of city utilities and city enterprises containing private customer information.

Read first time under Rule 28 and referred to committee on **State Government**.

STUDY BILLS RECEIVED

SSB 3073 Judiciary

Relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

SSB 3074 Judiciary

Relating to certain multiple driving-related convictions for one continuous act of driving.

SSB 3075 Judiciary

Prohibiting certain credits for time served while on probation.

SSB 3076 Judiciary

Relating to mobile and manufactured home tenancy by providing for minimum duration of rental agreements and termination or nonrenewal of rental agreements, and modifying notice of unpaid rent and related forcible entry and detainer provisions.

SSB 3077 State Government

Relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable.

SSB 3078 State Government

Relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions.

SSB 3079 Human Resources

Creating a licensed social worker loan repayment program and a revolving fund.

SSB 3080 Human Resources

Relating to the renewal period for foster care licensing.

SSB 3081 Veterans Affairs

Relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions.

SSB 3082 Human Resources

Relating to child support enforcement including protection of child support information.

SSB 3083 Human Resources

Relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

SSB 3084 Human Resources

Relating to medical assistance eligibility for inmates of public institutions.

SSB 3085 Human Resources

Relating to programs and activities under the purview of the department of public health, providing for a penalty, and including effective and applicability date provisions.

SSB 3086 State Government

Relating to elections and voter registration, including technical administration of the law by making modifications to certain filing deadlines, preservation of certain records, special elections to fill certain vacancies in office, absentee voting, voting systems, and ballot summaries.

SSB 3087 State Government

Concerning the review, approval, and establishment of county supervisor districting plans.

SSB 3088 State Government

Establishing the department of homeland security and emergency management.

SSB 3089 State Government

Relating to city regulation of sprinkler systems in rental housing.

SSB 3090 State Government

Relating to the authority of cities to regulate and restrict the occupancy of residential rental property.

SSB 3091 State Government

Creating a sandrock center for land and water science, and providing for the transfer of positions from the department of natural resources to the center.

SSB 3092 State Government

Relating to the regulation of persons offering occupational therapy services and making penalties applicable.

SSB 3093 State Government

Lowering the minimum age at which a person may register to vote.

SSB 3094 State Government

Concerning the municipal fire and police retirement system and including effective date and applicability provisions.

SSB 3095 State Government

Providing for charitable food donations to food banks, including by providing for appropriations and a tax credit and including applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2036**

EDUCATION: Schoenjahn, Chair; Bowman and Feenstra

Senate File 2037

VETERANS AFFAIRS: Ernst, Chair; Danielson and Soddors

Senate File 2044

EDUCATION: Beall, Chair; Hogg and Smith

Senate File 2045

VETERANS AFFAIRS: Black, Chair; Danielson and Greiner

Senate File 2053

HUMAN RESOURCES: Bolkcom, Chair; Quirmbach and Seymour

SSB 1054
(Reassigned)

HUMAN RESOURCES: Jochum, Chair; Ragan and Seymour

SSB 3073

JUDICIARY: Hancock, Chair; Jochum and Whitver

SSB 3074

JUDICIARY: Horn, Chair; Dix and Hancock

SSB 3075

JUDICIARY: Soddors, Chair; Hogg and Sorenson

SSB 3076

JUDICIARY: Jochum, Chair; Boettger and Quirmbach

SSB 3077

STATE GOVERNMENT: Danielson, Chair; Chelgren and Jochum

SSB 3078

STATE GOVERNMENT: Jochum, Chair; Dix and Hatch

SSB 3079

HUMAN RESOURCES: Jochum, Chair; Ragan and Whitver

SSB 3080

HUMAN RESOURCES: Wilhelm, Chair; Boettger and Mathis

SSB 3081

VETERANS AFFAIRS: Ragan, Chair; Horn and Ernst

SSB 3082

HUMAN RESOURCES: Dotzler, Chair; Mathis and Boettger

SSB 3083

HUMAN RESOURCES: Dotzler, Chair; Mathis and Bacon

SSB 3084

HUMAN RESOURCES: Jochum, Chair; Wilhelm and Whitver

SSB 3085

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

SSB 3086

STATE GOVERNMENT: Danielson, Chair; Jochum and Dix

SSB 3087

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

SSB 3088

STATE GOVERNMENT: Sodders, Chair; McCoy and Chelgren

SSB 3089

STATE GOVERNMENT: Danielson, Chair; Fraise and Bertrand

SSB 3090

STATE GOVERNMENT: Danielson, Chair; Fraise and Feenstra

SSB 3091

STATE GOVERNMENT: Danielson, Chair; Jochum and Chelgren

SSB 3092

STATE GOVERNMENT: Jochum, Chair; Fraise and Chelgren

SSB 3093

STATE GOVERNMENT: Danielson, Chair; Jochum and Dix

SSB 3094

STATE GOVERNMENT: Kibbie, Chair; Danielson and Smith

SSB 3095

STATE GOVERNMENT: Danielson, Chair; Hatch and Smith

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 25, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Tuesday, January 24, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 4:40 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 589.

House File 589

On motion of Senator Seng, **House File 589**, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Rielly asked and received unanimous consent to withdraw amendment S-3377, filed by Senators Rielly and Kapucian on June 29, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment S-3286, filed by Senator Rielly, et al., on April 20, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment S-3297, filed by Senator Rielly, et al., on April 27, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment S-3341, filed by Senators Rielly and Kapucian on May 12, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Seng offered amendment S-5004, filed by Senators Seng and Kapucian on January 19, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S-5004 and **House File 589** be **deferred**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 25, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2042, a bill for an act requiring jobs impact statements for administrative rules.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

ALSO: That the House has on January 25, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

Read first time and referred to committee on **Rules and Administration**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:46 p.m. until 9:00 a.m., Thursday, January 26, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dick Hatfield, Burlington—For celebrating his 80th birthday. Senator Courtney (1/25/12).

St. Columbkille Elementary School, Dubuque—For being recognized by the U.S. Department of Education as a 2011 National Blue Ribbon School. Senator Jochum (1/25/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 25, 2012, 2:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Discussion and presentations by the State Soil Conservation Committee, the Conservation Districts of Iowa, and Monsanto.

Adjourned: 3:00 p.m.

APPROPRIATIONS

Convened: Wednesday, January 25, 2012, 4:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkom, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Danielson (excused).

Committee Business: Approved SSB 3071.

Recessed: 4:15 p.m.

Reconvened: 4:30 p.m.

Adjourned: 4:40 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, January 24, 2012, 3:45 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Danielson, Hatch, and Horn (all excused).

Committee Business: Approved SSB 3014, as amended. Presentations by the LSA's Fiscal Services Division and the Iowa Policy Project.

Recessed: 3:50 p.m.

Reconvened: 4:00 p.m.

Adjourned: 5:00 p.m.

EDUCATION

Convened: Wednesday, January 25, 2012, 1:05 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Bowman, Feenstra, Smith, and Wilhelm.

Members Absent: Boettger, Dvorsky, Hogg, Johnson, and Soddors (all excused).

Committee Business: Presentation by students and Kirkwood Community College.

Adjourned: 1:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 24, 2012, 4:10 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Bolkcom (excused).

Committee Business: Passed SJR 2001. Presentation by the Department of Natural Resources.

Adjourned: 5:00 p.m.

TRANSPORTATION

Convened: Wednesday, January 25, 2012, 3:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: Dvorsky (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 4:05 p.m.

INTRODUCTION OF BILLS

Senate File 2059, by Dotzler, a bill for an act authorizing lottery games to benefit anti-littering and beautification programs.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2060, by Bolkcom, a bill for an act relating to services provided by assisted living programs and requiring the adoption of rules.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2061, by Anderson, a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2062, by Ragan, a bill for an act relating to requirements for the use of headlights, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2063, by Kettering, a bill for an act relating to the operation of certain all-terrain vehicles on streets and highways upon registration with the department of transportation, providing a registration fee, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2064, by Danielson, a bill for an act concerning retirement incentive programs for school district employees.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2065, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Read first time and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2022

AGRICULTURE: Kibbie, Chair; Kapucian and Seng

Senate File 2043

STATE GOVERNMENT: Kibbie, Chair; Chelgren and Fraise

Senate File 2047

LOCAL GOVERNMENT: Beall, Chair; Bowman and Ernst

Senate File 2058

STATE GOVERNMENT: McCoy, Chair; Dearden and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *SENATE FILE 2065 (SSB 3014), a bill for an act relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, 3: Danielson, Hatch, and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2065, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE JOINT RESOLUTION 2001, a joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Dearden, Black, Hahn, Ernst, Hamerlinck, Hancock, Kapucian, Schoenjahn, and Sorenson. Nays, 3: Hogg, Ragan, and Seng. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 26, 2012

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Iry Eicher.

The Journal of Wednesday, January 25, 2012, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2065** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:07 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:10 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 104, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Behn, Bartz, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 104.

House Concurrent Resolution 104

On motion of Senator Gronstal, **House Concurrent Resolution 104**, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 104, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 104** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:12 a.m. until 1:00 p.m., Monday, January 30, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

SAVE/SILO Annual Report, pursuant to Iowa Code section 256.9(19). Report received on January 25, 2012.

DEPARTMENT OF PUBLIC SAFETY

Iowa Statewide Interoperable Communications System Board Annual Report, pursuant to Iowa Code section 80.29(14). Report received on January 26, 2012.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2011, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF PUBLIC HEALTH—Report received on 1/25/2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Sam Ennis, Ames—For his outstanding performance promoting ethanol in the “Fuel of the Future” video contest. Senator Anderson (1/26/12).

185th Air Refueling Wing, Sioux City—For being awarded the 2011 Air Force Outstanding Unit Award. Senator Anderson (1/26/12).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, January 23, 2012, 4:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Presentation by the Department of Human Services.

Adjourned: 4:35 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, January 26, 2012, 9:10 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: Courtney (excused).

Committee Business: Passed HCR 104.

Adjourned: 9:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, January 24, 2012, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by the Governor's Office of Drug Control Policy and the Iowa Ethics and Campaign Disclosure Board.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 16, 2012, 10:10 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Secretary of Agriculture.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, January 26, 2012, 10:10 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentations by the Iowa Public Employment Relations Board and the Department of Cultural Affairs.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 26, 2012, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by Northeast Iowa Community College and Hawkeye Community College.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, January 24, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations by the Department of Veterans Affairs, the Iowa Veterans Home, the Department on Aging, and the Department of Public Health.

Adjourned: 11:15 a.m.

ALSO:

Convened: Thursday, January 26, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; and Bacon.

Members Absent: Johnson, Ranking Member; and Bolkcom (both excused).

Committee Business: Presentation by the Department of Human Services and the DHS Mental Health and Disability Services Division.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 26, 2012, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by the Iowa Law Enforcement Academy and the Department of Public Safety.

Adjourned: 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, January 26, 2012, 10:05 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; and Anderson.

Members Absent: Dvorsky (excused).

Committee Business: Presentations by the Department of Transportation.

Adjourned: 11:20 a.m.

INTRODUCTION OF BILLS

Senate File 2066, by Beall, a bill for an act relating to the award of expert witness fees in civil cases and certain criminal cases.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2067, by Jochum and Hatch, a bill for an act relating to patient safety by establishing a nurse staffing plan, a collaborative nurse staffing committee, a patient safety committee, and reporting for nurses, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2068, by Dearden, a bill for an act providing for civil damages for the commission of unlawful acts related to bald eagles.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2069, by Hogg, a bill for an act providing an individual and corporate income tax credit for the purchase of a fuel efficient new motor vehicle and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2070, by Anderson, a bill for an act relating to service of notice by mail for holders of a property tax sale certificate of purchase.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2071, by committee on Appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILLS RECEIVED

SSB 3096 Local Government

Providing that a county enterprise includes natural gasworks and electric light and power service plants and systems.

SSB 3097 Human Resources

Relating to human papillomavirus including a public awareness program and making appropriations for the public awareness program, provision of vaccinations, and cervical cancer screenings.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2029

COMMERCE: Rielly, Chair; Courtney and Feenstra

Senate File 2034

COMMERCE: McCoy, Chair; Anderson and Rielly

Senate File 2039

COMMERCE: Schoenjahn, Chair; Courtney and Zaun

Senate File 2059

STATE GOVERNMENT: Danielson, Chair; Chelgren and Kibbie

Senate File 2060

HUMAN RESOURCES: Bolkcom, Chair; Dotzler and Johnson

Senate File 2064

STATE GOVERNMENT: Kibbie, Chair; Danielson and Smith

Senate File 2067

HUMAN RESOURCES: Hatch, Chair; Boettger and Jochum

SSB 3096

LOCAL GOVERNMENT: Bowman, Chair; Bartz and Courtney

SSB 3097

HUMAN RESOURCES: Bolkcom, Chair; Ragan and Boettger

FINAL COMMITTEE REPORT OF BILL ACTION**APPROPRIATIONS**

Bill Title: *SENATE FILE 2071 (SSB 3071), a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dvorsky, McCoy, Black, Bolkcom, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, 1: Danielson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2071, and they were attached to the committee report.

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 30, 2012

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by Father Tony Kruse of Saint Joseph Catholic Church in Marion, Iowa. He was the guest of Senators Hancock and Mathis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Shannon Goes.

The Journal of Thursday, January 26, 2012, was approved.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 26, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2007, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program and including effective date provisions.

Senate File 2018, a bill for an act relating to financial assistance for purposes of the battleship Iowa, BB-61, making appropriations, and including effective date provisions.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:16 p.m. until 9:00 a.m., Tuesday, January 31, 2012.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Max and Gwen Arnold, Chariton—For celebrating their 67th wedding anniversary. Senator McKinley (1/30/12).

Ron and Sandi Collins, Russell—For celebrating their 50th wedding anniversary. Senator McKinley (1/30/12).

Harold “Rover” Davis, Knoxville—For celebrating his 88th birthday. Senator McKinley (1/30/12).

Harlan Doty of UAW Local 94—For being inducted into the Dubuque Area Labor Hall of Fame. Senator Jochum (1/30/12).

Dan Hammel of IBEW Local 704—For being inducted into the Dubuque Area Labor Hall of Fame. Senator Jochum (1/30/12).

Angie Hardin, Knoxville—For celebrating her 90th birthday. Senator McKinley (1/30/12).

Arlene Harris, Knoxville—For celebrating her 80th birthday. Senator McKinley (1/30/12).

Mary Hunt, Knoxville—For celebrating her 95th birthday. Senator McKinley (1/30/12).

Bob and Eunice Keuning, Monroe—For celebrating their 50th wedding anniversary. Senator McKinley (1/30/12).

Dave and Karen Orwig, Russell—For celebrating their 50th wedding anniversary. Senator McKinley (1/30/12).

Walt Paar of the Musicians Local 289 and UAW Local 13—For being inducted into the Dubuque Area Labor Hall of Fame. Senator Jochum (1/30/12).

Junior Patterson, Lucas—For celebrating his 80th birthday. Senator McKinley (1/30/12).

Marytha Pitt, Nevada—For being the recipient of the 2012 Excellence in Mentoring Award. Senator Bacon (1/30/12).

Doyle and Marilyn Reynolds, Russell—For celebrating their 50th wedding anniversary. Senator McKinley (1/30/12).

Gladys Sibert, Chariton—For celebrating her 97th birthday. Senator McKinley (1/30/12).

Doris M. Smith, Knoxville—For celebrating her 85th birthday. Senator McKinley (1/30/12).

Don Starr, Knoxville—For celebrating his 90th birthday. Senator McKinley (1/30/12).

John Steinbach, Chariton—For celebrating his 97th birthday. Senator McKinley (1/30/12).

Curtis and Marietta Tuttle, Chariton—For celebrating their 60th wedding anniversary. Senator McKinley (1/30/12).

REPORT OF COMMITTEE MEETING

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, January 26, 2012, 4:00 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Bacon, Hatch, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Greiner, Ranking Member; Bertrand, Bowman, Chelgren, Danielson, and Horn (all excused).

Committee Business: Presentations on TIF.

Adjourned: 4:55 p.m.

INTRODUCTION OF BILLS

Senate File 2072, by Soddors, a bill for an act relating to stray electric current or voltage and civil actions to recover resulting damages.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2073, by McCoy, a bill for an act relating to persons who are no longer authorized to operate as commercial breeders, and providing for penalties.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 2074, by Ernst, a bill for an act relating to the length of on-duty periods and required rest periods for drivers of rail crew transport vehicles, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2075, by Sodders, a bill for an act relating to the issuance of citations for violations of requirements for motorists approaching a stationary towing or recovery vehicle.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2076, by Ragan, Beall, and Dearden, a bill for an act allowing the issuance of special hunting licenses to certain nonresident disabled veterans.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

STUDY BILLS RECEIVED

SSB 3098 Commerce

Relating to service of notice by mail for holders of a property tax sale certificate of purchase.

SSB 3099 Commerce

Relating to the authorized deposit of public funds.

SSB 3100 Commerce

Relating to permissible forms of ownership of transmission facilities subject to a joint agreement for generating, purchasing, or otherwise acquiring electric power and energy.

SSB 3101 Commerce

Concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits.

SSB 3102 Education

Relating to the continuation of the Iowa early intervention block grant program and including effective date provisions.

SSB 3103 Ways and Means

Creating a tax credit for certain small businesses offering wellness programs to employees and including effective date and applicability provisions.

SSB 3104 Judiciary

Granting authority to temporarily designate a substance a controlled substance and classifying certain substances as schedule I controlled substances, making penalties applicable, and including effective date provisions.

SSB 3105 Judiciary

Relating to sex offender notification, providing penalties, and including effective date provisions.

SSB 3106 Judiciary

Enhancing the criminal penalty for an assault on a public transit bus operator, and providing penalties.

SSB 3107 Human Resources

Establishing a rural Iowa primary care grant and forgivable loan program to be administered by the college student aid commission, a rural Iowa primary care trust fund, and making appropriations.

SSB 3108 Economic Growth/Rebuild Iowa

Relating to economic development by providing an adjustment to net income for certified suppliers of anchor manufacturers for purposes of state taxation and including retroactive applicability provisions.

SSB 3109 Transportation

Relating to matters under the purview of the department of transportation, including provisions concerning the regulation of motor vehicles and motor vehicle dealers, the licensing and regulation of motor vehicle operators, and administrative reporting requirements, providing penalties, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2046

WAYS AND MEANS: Hogg, Chair; Dotzler and Zaun

Senate File 2048

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Smith

Senate File 2049

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Smith

Senate File 2050

WAYS AND MEANS: Hogg, Chair; Anderson and Black

Senate File 2054

JUDICIARY: Dvorsky, Chair; Hancock and Whitver

Senate File 2056

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Bowman and Chelgren

Senate File 2057

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Bowman and Chelgren

Senate File 2065

WAYS AND MEANS: Dotzler, Chair; Feenstra and Mathis

Senate File 2069

WAYS AND MEANS: Hogg, Chair; Bolkcom and Feenstra

Senate File 2070

WAYS AND MEANS: Jochum, Chair; Bartz and Hogg

House File 2042

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bertrand and Wilhelm

SSB 3098

COMMERCE: Mathis, Chair; Courtney and Anderson

SSB 3099

COMMERCE: McCoy, Chair; Rielly and Kettering

SSB 3100

COMMERCE: Wilhelm, Chair; Seng and Feenstra

SSB 3101

COMMERCE: Schoenjahn, Chair; Rielly and Anderson

SSB 3102

EDUCATION: Wilhelm, Chair; Bowman and Hamerlinck

SSB 3103

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

SSB 3104

JUDICIARY: Dvorsky, Chair; Fraise and Ward

SSB 3105

JUDICIARY: Dvorsky, Chair; Boettger and Fraise

SSB 3106

JUDICIARY: Dvorsky, Chair; Horn and Sorenson

SSB 3107

HUMAN RESOURCES: Hatch, Chair; Quirnbach and Boettger

SSB 3108

ECONOMIC GROWTH/REBUILD IOWA: Mathis, Chair; Danielson and Ward

SSB 3109

TRANSPORTATION: Danielson, Chair; Bowman and Ernst

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 30th day of January, 2012.

Senate Files 2007 and 2018.

MICHAEL E. MARSHALL
Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 31, 2012

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jordan Grube.

The Journal of Monday, January 30, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:07 a.m. until 9:00 a.m., Wednesday, February 1, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

Child Development Coordinating Council Legislative Report, pursuant to Iowa Code section 256A.3(8). Report received on January 30, 2012.

DEPARTMENT OF PUBLIC HEALTH

Annual Report on Collaboration and Teambuilding, pursuant to Iowa Code section 148C.12. Report received on January 30, 2012.

DEPARTMENT OF TRANSPORTATION

Report on Registered Flex Fuel Vehicles, pursuant to Iowa Code section 452A.33(3). Report received on January 31, 2012.

FY 2011 Recycled Content Plastic Bag and Soy Inks Report, pursuant to Iowa Code section 307.21(3b). Report received on January 31, 2012.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Tyler Joseph Freund, Coralville—For achieving the rank of Eagle Scout, Troop 270. Senator Dvorsky (1/31/12).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, January 31, 2012, 2:00 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Greiner, Ranking Member (excused).

Committee Business: Presentation by Energy Pioneer Solutions.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: Monday, January 30, 2012, 4:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver.

Members Absent: Johnson (excused).

Committee Business: Approved SSB 3036. Presentation by the Department of Human Services.

Adjourned: 4:40 p.m.

JUDICIARY

Convened: Tuesday, January 31, 2012, 1:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved SSB 3073. Approved SSBs 3024, 3032, and 3055 as amended.

Recessed: 1:10 p.m.

Reconvened: 1:25 p.m.

Adjourned: 1:40 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, January 31, 2012, 9:10 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Assignment of governor's appointees.

Adjourned: 9:15 a.m.

TRANSPORTATION

Convened: Monday, January 30, 2012, 4:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Presentation by the Governor's Transportation 2020 Citizen Action Committee.

Adjourned: 4:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, January 31, 2012, 10:05 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, January 31, 2012, 10:05 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; Bertrand and Mathis.

Members Absent: None.

Committee Business: Presentation by the University of Northern Iowa.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, January 31, 2012, 10:20 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Department of Education budget presentation.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, January 31, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; and Bacon.

Members Absent: Bolkcom (excused).

Committee Business: Presentations on childcare assistance and protective services.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, January 31, 2012, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by the Civil Rights Commission, the State Public Defender, the Iowa National Guard, and the Homeland Security and Emergency Management Division.

Adjourned: 12:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Tuesday, January 31, 2012, 10:15 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentation by the Governor's Transportation 2020 Citizens Advisory Commission.

Adjourned: 11:15 a.m.

INTRODUCTION OF BILLS

Senate File 2077, by Ernst, a bill for an act establishing the sales tax rebate for county development program and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2078, by Horn, a bill for an act relating to property taxation by providing a property assessment adjustment for certain persons, applying income limitations, providing a penalty, and including retroactive and other applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2079, by Danielson, a bill for an act relating to the noise limit applicable to motor vehicle mufflers and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2080, by Danielson, a bill for an act relating to the establishment of a medical assistance autism waiver.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2081, by Ernst and Hahn, a bill for an act relating to the military service property tax exemption and credit by increasing the exemption amount, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2082, by Bolkcom, a bill for an act relating to reimbursement of speech pathology services under the medical assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2083, by Chelgren, a bill for an act relating to property taxation by modifying assessment limitations on classifications of property, by modifying the method for valuing agricultural property, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2084, by Chelgren, Zaun, Sorenson, Feenstra, Boettger, Kettering, Seymour, Hamerlinck, Ernst, Hahn, and Kapucian, a bill for an act limiting certain campaign contributions by labor unions and providing for a penalty.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2085, by Bolkcom, Quirnbach, Dvorsky, Hogg, Jochum, and Mathis, a bill for an act requiring the use of safety helmets by certain young persons operating motorized bicycles, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2086, by committee on Human Resources, a bill for an act relating to regular inspections of state-licensed health care

facilities and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2087, by Bowman, a bill for an act establishing the creating outstanding instructional leaders pilot program for school districts, making an appropriation, and including a repeal date.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2088, by Chelgren, a bill for an act relating to funding for highways and other roads by providing for the elimination of the road use tax fund and establishing a road use tax fund elimination study committee, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2089, by Bolkcom, Dvorsky, and Bertrand, a bill for an act concerning the authority of a liquor control licensee to keep certain mixed drinks or cocktails on the licensed premises.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2090, by McCoy, a bill for an act imposing a duty of reasonable assistance on a person present at the scene of an emergency or accident.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2091, by McCoy, a bill for an act relating to requirements for motorists approaching certain stationary vehicles on the highway, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

STUDY BILLS RECEIVED

SSB 3110 Economic Growth/Rebuild Iowa

Relating to economic development and the use of tax revenues and other funds by affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by diverting franchise tax revenues and withholding tax payments for such programs, incentives, and assistance, by abolishing the film tax credit program, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive and other applicability provisions.

SSB 3111 Human Resources

Relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

SSB 3112 Education

Relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

SSB 3113 Education

Relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

SSB 3114 State Government

Providing for the licensing of polysomnographic technologists and providing for a penalty.

SSB 3115 Transportation

Increasing the size of the commercial and industrial highway network.

SSB 3116 Ways and Means

Relating to the amount of the earned income tax credit and including retroactive applicability provisions.

SSB 3117 Ways and Means

Relating to the policy administration of the tax and related laws of the department of revenue, including administration of income taxes, sales and use taxes, and an environmental protection charge, a financial account matching and debt collection system, property taxes, and study reports related to property taxes and the office of the state debt coordinator, and including retroactive applicability provisions.

SSB 3118 Economic Growth/Rebuild Iowa

Relating to Iowa's urban renewal law by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, the reporting of urban renewal debt certifications, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2055**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Hamerlinck and Seng

Senate File 2066

JUDICIARY: Hogg, Chair; Dix and Sodders

Senate File 2068

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Hahn and Ragan

Senate File 2076

VETERANS AFFAIRS: Ragan, Chair; Beall and Seymour

Senate File 2080

HUMAN RESOURCES: Hatch, Chair; Bacon and Bolkom

Senate File 2082

HUMAN RESOURCES: Mathis, Chair; Bacon and Bolkcom

SSB 3110

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Bertrand and Sodders

SSB 3111

HUMAN RESOURCES: Dotzler, Chair; Whitver and Wilhelm

SSB 3112

EDUCATION: Quirmbach, Chair; Feenstra and Schoenjahn

SSB 3113

EDUCATION: Quirmbach, Chair; Feenstra and Schoenjahn

SSB 3114

STATE GOVERNMENT: Sodders, Chair; Horn and Smith

SSB 3115

TRANSPORTATION: Rielly, Chair; Danielson and Kapucian

SSB 3116

WAYS AND MEANS: Bolkcom, Chair; Bartz and Mathis

SSB 3117

WAYS AND MEANS: Dotzler, Chair; Jochum and Zaun

SSB 3118

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bowman and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**HUMAN RESOURCES**

Bill Title: SENATE FILE 2086 (SSB 3036), a bill for an act relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2017, a bill for an act allowing the use of a leashed dog to retrieve a wounded deer and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on January 31, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2007 – Making an appropriation to the college student aid commission for purposes of the national guard educational assistance program and including effective date provisions.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)	
Cindy Hall, Maxwell	10/11/2011 – 04/30/2014
ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)	
Lisa Kalaher, Sioux City	12/05/2011 – 04/30/2013
BEHAVIORAL SCIENCE, BOARD OF (Sec. 147.14(1)(m))	
David Kaptain, Johnston (appointment)	08/02/2011 – 04/30/2012
David Kaptain, Johnston (reappointment)	05/01/2012 – 04/30/2015
Wade Leuwerke, Indianola (appointment)	08/02/2011 – 04/30/2012
Wade Leuwerke, Indianola (reappointment)	05/01/2012 – 04/30/2015
CAPITAL INVESTMENT BOARD, IOWA (Sec. 15E.63)	
Gordon R. Neumann, Des Moines	08/23/2011 – 04/30/2016

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL (Sec. 216A.132)	
Mardi Allen, Spirit Lake	09/16/2011 – 04/30/2014
Patrick Gibbs, Davenport	08/02/2011 – 04/30/2014
DRUG POLICY ADVISORY COUNCIL, IOWA (Sec. 80E.2)	
Todd Thoeming, Davenport	10/11/2011 – 04/30/2014
EARLY CHILDHOOD IOWA STATE BOARD (Sec. 256I.3)	
Deborah Deere, Ottumwa	08/02/2011 – 04/30/2012
ECONOMIC DEVELOPMENT AUTHORITY, DIRECTOR OF THE (Sec. 15.106C)	
Debi Durham, Sioux City	07/01/2011 – 04/30/2015
ECONOMIC DEVELOPMENT AUTHORITY (Sec. 15.105)	
Dawn Ainger, Hiawatha	09/16/2011 – 04/30/2014
David Bernstein, Sioux City	09/16/2011 – 04/30/2015
Pete Brownell, Grinnell	09/16/2011 – 04/30/2014
Theodore Crosbie, Earlham	09/16/2011 – 04/30/2013
Brenda Cushing, West Des Moines	09/16/2011 – 04/30/2015
Kaye DeLange, Fremont	09/16/2011 – 04/30/2014
Larry Den Herder, Sioux Center	09/16/2011 – 04/30/2013
John Lisle, Clarinda	09/16/2011 – 04/30/2014
Delia Meier, Eldridge	09/16/2011 – 04/30/2013
Rosemary Parson, Urbandale	09/16/2011 – 04/30/2015
Daniel White, Dubuque	09/16/2011 – 04/30/2015
ELEVATOR SAFETY BOARD (Sec. 89A.13)	
Amy Infelt, Coralville	12/19/2011 – 04/30/2014
FINANCE AUTHORITY, IOWA (Sec. 16.2(1))	
Jeffrey Heil, Haverhill	08/05/2011 – 04/30/2013
GREAT PLACES BOARD, IOWA (Sec. 303.3C)	
Dustin Embree, Estherville	09/16/2011 – 04/30/2014
Adam Feiges, Hinton	09/16/2011 – 04/30/2014
Nick Glew, Marion	09/16/2011 – 04/30/2014
Gerald Schnepf, Johnston	09/16/2011 – 04/30/2014
HIGHER EDUCATION LOAN AUTHORITY, IOWA (Sec. 261A.6)	
Rachel Nesheim, Newell	12/05/2011 – 04/30/2014
INNOVATION CORPORATION, BOARD OF IOWA (Sec. 15.107(4)(a))	
Robert Riley, Jr., Des Moines	11/01/2011 – 04/30/2015
Jamie Zanos, Mason City	11/01/2011 – 04/30/2015
LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (Sec. 80B.6)	
Nancy Bodnar, Peosta	08/23/2011 – 04/30/2015
Lisa Campbell, Waterloo	08/23/2011 – 04/30/2014
Brian Gardner, Cedar Rapids	08/23/2011 – 04/30/2013
Anita Guthrie, Fort Dodge	08/23/2011 – 04/30/2013
Brian Guy, Clinton (appointment)	08/23/2011 – 04/30/2012
Brian Guy, Clinton (reappointment)	05/01/2012 – 04/30/2016

David Lorenzen, Waukee	08/23/2011 – 04/30/2015
MASSAGE THERAPY, BOARD OF (Sec. 147.14(1)(q)) Rhonda Reif, Burlington	10/11/2011 – 04/30/2013
MORTUARY SCIENCE, BOARD OF (Sec. 147.14(1)(p)) Kimberly Doehrmann, Williamsburg	08/02/2011 – 04/30/2013
REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4) Lee Schoenewe, Spencer (Appointment) Lee Schoenewe, Spencer (Reappointment)	08/23/2011 – 04/30/2012 05/01/2012 – 04/30/2015
RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202) Randy Olson, Story City Maddison Sieck, Glenwood	01/06/2012 – 04/30/2014 01/06/2012 – 04/30/2016
SOCIAL WORK, BOARD OF (Sec. 147.14(1)(t)) Dana McCarthy, Grimes Neil Nelsen, Indianola (appointment) Neil Nelsen, Indianola (reappointment)	08/23/2011 – 04/30/2014 08/23/2011 – 04/30/2012 05/01/2012 – 04/30/2015
UTILITIES BOARD (Sec. 474.1) Swati Dandekar, Marion	09/16/2011 – 04/30/2015
VISION IOWA BOARD (Sec. 15F.102) Gene Beach, Marshalltown James Cornett, Davis City (appointment) James Cornett, Davis City (reappointment) Denise Dahl, Fairfield Craig Johnson, Independence David Odekirk, Waterloo Tammy Robinson, New Hampton	08/23/2011 – 04/30/2013 08/23/2011 – 04/30/2012 05/01/2012 – 04/30/2015 10/11/2011 – 04/30/2013 08/23/2011 – 04/30/2014 08/23/2011 – 04/30/2014 08/23/2011 – 04/30/2014

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on January 31, 2012:

AGRICULTURE

Cindy Hall – Agricultural Development Authority

COMMERCE

Swati Dandekar – Utilities Board

ECONOMIC GROWTH/REBUILD IOWA

Gordon R. Neumann – Iowa Capital Investment Board

Debi Durham – Director of the Economic Development Authority

Dawn Ainger – Economic Development Authority

David Bernstein – Economic Development Authority

Pete Brownell – Economic Development Authority

Theodore Crosbie – Economic Development Authority

Brenda Cushing – Economic Development Authority

Kaye DeLange – Economic Development Authority

Larry Den Herder – Economic Development Authority

John Lisle – Economic Development Authority

Delia Meier – Economic Development Authority

Rosemary Parson – Economic Development Authority

Daniel White – Economic Development Authority

Jeffrey Heil – Iowa Finance Authority

Dustin Embree – Iowa Great Places Board

Adam Feiges – Iowa Great Places Board

Nick Glew – Iowa Great Places Board

Gerald Schnepf – Iowa Great Places Board

Robert Riley, Jr. – Board of Iowa Innovation Corporation

Jamie Zanius – Board of Iowa Innovation Corporation

EDUCATION

Deborah Deere – Early Childhood Iowa State Board

Rachel Nesheim – Iowa Higher Education Loan Authority

HUMAN RESOURCES

David Kaptain – Board of Behavioral Science

Wade Leuwerke – Board of Behavioral Science

JUDICIARY

Mardi Allen – Criminal and Juvenile Justice Planning Advisory Council

Patrick Gibbs – Criminal and Juvenile Justice Planning Advisory Council

Todd Thoeming – Iowa Drug Policy Advisory Council

Nancy Bodnar – Iowa Law Enforcement Academy Council

Lisa Campbell – Iowa Law Enforcement Academy Council

Brian Gardner – Iowa Law Enforcement Academy Council

Anita Guthrie – Iowa Law Enforcement Academy Council

Brian Guy – Iowa Law Enforcement Academy Council
David Lorenzen – Iowa Law Enforcement Academy Council

NATURAL RESOURCES AND ENVIRONMENT

Randy Olson – Renewable Fuel Infrastructure Board
Maddison Sieck – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Amy Infelt – Elevator Safety Board
Rhonda Reif – Board of Massage Therapy
Kimberly Doehrmann – Board of Mortuary Science
Lee Schoenewe – Real Estate Appraiser Examining Board
Dana McCarthy – Board of Social Work
Neil Nelsen – Board of Social Work
Gene Beach – Vision Iowa Board
James Cornett – Vision Iowa Board
Craig Johnson – Vision Iowa Board
David Odekirk – Vision Iowa Board
Tammy Robinson – Vision Iowa Board

WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on December 15, 2011:

I am writing to withdraw the nomination of Lisa Kalaher from the city of Sioux City in Woodbury County, Iowa for appointment as a member of the Architectural Examining Board, pursuant to Iowa Code Section 544A.1.

I am writing to withdraw the nomination of Denise Dahl from the city of Fairfield in Jefferson County, Iowa for appointment as a member of the Vision Iowa Board, pursuant to Iowa Code Section 15F.102.

Sincerely,
TERRY E. BRANSTAD
Governor

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 1, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Burkhardt of the Glen Echo Christian Church in Des Moines, Iowa. He was the guest of Senator Zaun and Senate Doorkeeper Bob Langbehn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Katie Jaeschke.

The Journal of Tuesday, January 31, 2012, was approved.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:37 a.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she arrives, on request of Senator Behn.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2038.

Senate File 2038

On motion of Senator Kibbie, **Senate File 2038**, a bill for an act relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2038), the vote was:

Yeas, 49:

Anderson	Dearden	Horn	Schoenjahn
Bacon	Dix	Houser	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Gronstal	Mathis	Whitver
Bolkcom	Hahn	McCoy	Wilhelm
Bowman	Hamerlinck	McKinley	Zaun
Chelgren	Hancock	Quirmbach	
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2071.

Senate File 2071

On motion of Senator Dvorsky, **Senate File 2071**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates, was taken up for consideration.

Senator Dix offered amendment S-5005, filed by him from the floor to pages 1-4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5005 be adopted?" (S.F. 2071), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, 1:

Greiner

Amendment S-5005 lost.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2071), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2038** and **2071** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:59 a.m. until 9:00 a.m., Thursday, February 2, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

BOARD OF REGENTS

2011 Annual Diversity Report, pursuant to Iowa Code sections 19B.5(3) and 262.93. Report received on January 31, 2012.

DEPARTMENT OF ADMINISTRATIVE SERVICES

FY 2010 and 2011 IOWAccess Revolving Fund Annual Reports, pursuant to Iowa Code section 8A.224(2). Report received on January 31, 2012.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

2011 Watershed Improvement Review Board Annual Report, pursuant to Iowa Code section 466A.3(4e). Report received on February 1, 2012.

DEPARTMENT OF TRANSPORTATION

2012 Passenger Rail Legislative Report, pursuant to Iowa Code section 327J.3. Report received on February 1, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Wyatt Carpenter, Madrid—For achieving the rank of Eagle Scout, Troop 150, and completing his service project at the newest Madrid city park. Senator Quirnbach (2/1/12).

J.P. Menard, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Hamerlinck (2/1/12).

Nate Wells, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Hamerlinck (2/1/12).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, February 1, 2012, 1:00 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm.

Members Absent: Bowman (excused).

Committee Business: Passed SF 2024. Approved SSBs 3102, 3112, and 3113.

Adjourned: 2:00 p.m.

VETERANS AFFAIRS

Convened: Tuesday, January 31, 2012, 3:00 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Horn, Kibbie, Ragan, and Sodders.

Members Absent: Greiner (excused).

Committee Business: Presentation by the Iowa Veterans Home. Approved SSB 3081. Passed SF 2037 as amended.

Adjourned: 4:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 26, 2012, 10:00 a.m.

Members Present: Jochum, Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: Danielson, Vice Chair (excused).

Committee Business: Presentation by the Department of Inspections and Appeals.

Adjourned: 11:40 a.m.

ALSO:

Convened: Tuesday, January 31, 2012, 10:15 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations on FY 2013 budgets.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 1, 2012, 10:20 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentation by Iowa State University.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, February 1, 2012, 10:20 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by the Department of Public Safety and the Department of Corrections.

Adjourned: 12:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Wednesday, February 1, 2012, 10:20 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; and Dvorsky.

Members Absent: Anderson (excused).

Committee Business: Presentations by the Iowa Veterans Home and the Department of Natural Resources.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 103, by Behn, Johnson, Chelgren, Kapucian, Whitver, Seymour, Boettger, Kettering, Anderson, Bertrand, Ernst, Feenstra, Hamerlinck, Dix, Sorenson, Greiner, Smith, Houser, Zaun, McKinley, Bartz, Ward, Bacon, and Hahn, a resolution in support of the completion of the Keystone XL pipeline project.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2092, by committee on Judiciary, a bill for an act relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2093, by Horn, a bill for an act relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2094, by Danielson, a bill for an act relating to disclosure of information relating to a debt to the spouse of the debtor.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2095, by Behn, a bill for an act creating the penalty of death for the commission of murder in the first degree, kidnapping, and sexual abuse against the same minor, providing a penalty, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2096, by committee on Judiciary, a bill for an act relating to reimbursements for certain state prisoners confined in a county jail.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2097, by committee on Veterans Affairs, a bill for an act relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2098, by Kettering, a bill for an act concerning reemployed retired members under the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2099, by Bowman, a bill for an act providing for the transfer of moneys in the taxpayers trust fund at the end of each fiscal year to the property tax equity and relief fund.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2100, by committee on Judiciary, a bill for an act relating to the nomination and appointment of district judges and associate juvenile judges.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2101, by Jochum, a bill for an act relating to children in out-of-home placements in accordance with a court order.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2102, by Jochum, a bill for an act providing for partition fences, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2103, by Jochum, a bill for an act relating to services provided by assisted living programs.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2104, by Jochum, a bill for an act exempting persons furnishing electricity from solar energy conversion facilities to designated entities under specified circumstances from public utility regulation.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2105, by Hogg, a bill for an act requiring the state building code commissioner to adopt statewide requirements and standards for radon control in residential construction.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2106, by Dotzler, a bill for an act relating to qualifying investments for redevelopment tax credits and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2107, by Dotzler, a bill for an act requiring acceptance of universal health care practitioner credentialing application forms by certain credentialing entities.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2108, by Hatch, Danielson, Horn, Dearden, Fraise, Courtney, Black, Quirmbach, Beall, and Bowman, a bill for an act relating to the Iowa health care coverage partnership program and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2109, by Danielson, a bill for an act relating to the elimination of the authorization for a court to order the payment of a postsecondary education subsidy in dissolution of marriage proceedings.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2110, by Hancock, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2111, by committee on Judiciary, a bill for an act relating to crime victims, including restitution plan hearings, crime victim compensation, and the identity theft passport program.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2112, by committee on Veterans Affairs, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2113, by committee on Natural Resources and Environment, a bill for an act relating to the identification of owners of blinds and stands for hunting deer and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2114, by committee on Education, a bill for an act relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2115, by committee on Education, a bill for an act relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3119 Natural Resources and Environment

Relating to energy recovery as a form of recycling for waste volume reduction purposes.

SSB 3120 Transportation

Relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

SSB 3121 Local Government

Providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

SSB 3122 Agriculture

Providing for sales and use taxes collected on farm machinery and equipment.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2040

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Chelgren and Dearden

Senate File 2062

TRANSPORTATION: Hancock, Chair; Bowman and Hahn

Senate File 2063

TRANSPORTATION: Hancock, Chair; Danielson and Ernst

Senate File 2074

TRANSPORTATION: Hancock, Chair; Danielson and Houser

Senate File 2075

TRANSPORTATION: McCoy, Chair; Dearden and Hahn

Senate File 2079

TRANSPORTATION: Danielson, Chair; Hancock and Zaun

Senate File 2084

STATE GOVERNMENT: Dearden, Chair; Chelgren and Horn

Senate File 2085

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

Senate File 2087

EDUCATION: Bowman, Chair; Schoenjahn and Smith

Senate File 2088

TRANSPORTATION: Hancock, Chair; Danielson and Zaun

Senate File 2089

STATE GOVERNMENT: Danielson, Chair; Bertrand and Jochum

Senate File 2090

STATE GOVERNMENT: McCoy, Chair; Feenstra and Sadders

Senate File 2091

TRANSPORTATION: McCoy, Chair; Dearden and Hahn

Senate File 2093

TRANSPORTATION: Hancock, Chair; Danielson and Houser

Senate File 2095

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

Senate File 2098

STATE GOVERNMENT: Kibbie, Chair; Danielson and Dix

SSB 3119

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Bolkcom and Hahn

SSB 3120

TRANSPORTATION: McCoy, Chair; Dearden and Ernst

SSB 3121

LOCAL GOVERNMENT: Courtney, Chair; Hamerlinck and Rielly

SSB 3122

AGRICULTURE: Fraise, Chair; Black and Greiner

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 2114 (SSB 3112), a bill for an act relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2115 (SSB 3113), a bill for an act relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 2092 (SSB 3073), a bill for an act relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2096 (SSB 3024), a bill for an act relating to reimbursements for certain state prisoners confined in a county jail.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2096, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2100 (SSB 3032), a bill for an act relating to the nomination and appointment of district judges and associate juvenile judges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2100, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2111 (SSB 3055), a bill for an act relating to crime victims, including restitution plan hearings, crime victim compensation, and the identity theft passport program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2111, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2113 (SSB 3058), a bill for an act relating to the identification of owners of blinds and stands for hunting deer and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Dearden, Black, Hahn, Bolkom, Hancock, Hogg, Ragan, Schoenjahn, and Seng. Nays, 4: Ernst, Hamerlinck, Kapucian, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2113, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2097 (SSB 3081), a bill for an act relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, 1: Greiner.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2112 (formerly SF 2037), a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, 1: Greiner.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on Senate File 2112, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 1, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2018 – Relating to financial assistance for purposes of the battleship Iowa, BB-61, making appropriations, and including effective date provisions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 1, 2012, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the Agricultural Development Authority:

CINDY HALL – Bowman, Chair; Courtney and Houser

COMMERCE

As a member of the Utilities Board:

SWATI DANDEKAR – McCoy, Chair; Anderson and Rielly

ECONOMIC GROWTH/REBUILD IOWA

As a member of the Iowa Capital Investment Board:

GORDON R. NEUMANN – Hatch, Chair; Rielly and Bacon

As Director of the Economic Development Authority:

DEBI DURHAM – Sodders, Chair; Danielson and Ward

As members of the Economic Development Authority:

DAWN AINGER – Horn, Chair; Rielly and Greiner
 DAVID BERNSTEIN – Dotzler, Chair; Sodders and Bertrand
 PETE BROWNELL – Rielly, Chair; Horn and Chelgren
 THEODORE CROSBIE – Hatch, Chair; Wilhelm and Whitver
 BRENDA CUSHING – Wilhelm, Chair; Danielson and Ward
 KAYE DELANGE – Rielly, Chair; Horn and Chelgren
 LARRY DEN HERDER – Danielson, Chair; Bowman and Bertrand
 JOHN LISLE – Horn, Chair; Danielson and Bertrand
 DELIA MEIER – Bowman, Chair; Mathis and Greiner
 ROSEMARY PARSON – Hatch, Chair; Sodders and Ward
 DANIEL WHITE – Bowman, Chair; Mathis and Greiner

As a member of the Iowa Finance Authority:

JEFFREY HEIL – Bowman, Chair; Wilhelm and Whitver

As members of the Iowa Great Places Board:

DUSTIN EMBREE – Rielly, Chair; Dotzler and Chelgren
 ADAM FEIGES – Sodders, Chair; Dotzler and Bertrand
 NICK GLEW – Mathis, Chair; Horn and Bacon
 GERALD SCHNEPF – Mathis, Chair; Horn and Bacon

As members of the Board of Iowa Innovation Corporation:

ROBERT RILEY, JR. – Dotzler, Chair; Hatch and Bertrand
 JAMIE ZANIOS – Wilhelm, Chair; Sodders and Bacon

EDUCATION

As a member of the Early Childhood Iowa State Board:

DEBORAH DEERE – Wilhelm, Chair; Bowman and Boettger

As a member of the Iowa Higher Education Loan Authority:

RACHEL NESHEIM – Quirnbach, Chair; Dvorsky and Hamerlinck

HUMAN RESOURCES

As members of the Board of Behavioral Science:

DAVID KAPTAIN – Whitver, Chair; Dotzler and Wilhelm
 WADE LEUWERKE – Mathis, Chair; Jochum and Boettger

JUDICIARY

As members of the Criminal and Juvenile Justice Planning Advisory Council:

MARDI ALLEN – Boettger, Chair; Sodders and Horn
 PATRICK GIBBS – Jochum, Chair; Hancock and Ward

As a member of the Iowa Drug Policy Advisory Council:

TODD THOEMING – Hancock, Chair; Dvorsky and Whitver

As members of the Iowa Law Enforcement Academy Council:

NANCY BODNAR – Sodders, Chair; Jochum and Dix
 LISA CAMPBELL – Horn, Chair; Hogg and Sorenson
 BRIAN GARDNER – Hogg, Chair; Horn and Ward
 ANITA GUTHRIE – Quirnbach, Chair; Sodders and Whitver
 BRIAN GUY – Hancock, Chair; Jochum and Sorenson
 DAVID LORENZEN – Quirnbach, Chair; Sodders and Ward

NATURAL RESOURCES AND ENVIRONMENT

As members of the Renewable Fuel Infrastructure Board:

RANDY OLSON – Bolkcom, Chair; Hamerlinck and Hogg
 MADDISON SIECK – Bolkcom, Chair; Hamerlinck and Hogg

STATE GOVERNMENT

As a member of the Elevator Safety Board:

AMY INFELT – Dearden, Chair; Fraise and Bertrand

As Director of the Department of Human Rights:

SAN WONG – Jochum, Chair; Danielson and Dix

As a member of the Board of Massage Therapy:

RHONDA REIF – Hatch, Chair; Horn and Sorenson

As a member of the Board of Mortuary Science:

KIMBERLY DOEHRMANN – Fraise, Chair; McCoy and Chelgren

As a member of the Real Estate Appraiser Examining Board:

LEE SCHOENEWE – Horn, Chair; Fraise and Bertrand

As members of the Board of Social Work:

DANA MCCARTHY – Hatch, Chair; Jochum and Smith
 NEIL NELSEN – Hatch, Chair; Jochum and Smith

As members of the Vision Iowa Board:

GENE BEACH – Sodders, Chair; McCoy and Dix
JAMES CORNETT – Sodders, Chair; McCoy and Dix
CRAIG JOHNSON – Sodders, Chair; McCoy and Dix
DAVID ODEKIRK – Sodders, Chair; McCoy and Dix
TAMMY ROBINSON – Sodders, Chair; McCoy and Dix

**GOVERNOR’S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

STATE GOVERNMENT

Amy Infelt – Elevator Safety Board
Kimberly Doehrmann – Board of Mortuary Science
Lee Schoenewe – Real Estate Appraiser Examining Board

AMENDMENT FILED

S-5005 S.F. 2071 Bill Dix

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 13, 2012

The Senate met in regular session at 1:09 p.m., President Kibbie presiding.

Prayer was offered by Pastor Steve Oden of the New Life Christian Church in Waukon, Iowa. He was the guest of Senator Wilhelm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hailey Albert.

The Journal of Thursday, February 9, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 9, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2165, a bill for an act relating to physician orders for scope of treatment.

Read first time and attached to **similar Senate File 2125**.

House File 2226, a bill for an act relating to child abuse reports and disposition data.

Read first time and referred to committee on **Human Resources**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 2167 and 2168** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:27 p.m. until 9:00 a.m., Tuesday, February 14, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Internal Service Fund Report, pursuant to Iowa Code section 8A.123(5b). Report received on February 10, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

The Alzheimer's Association—For their work educating Iowans, raising funds to promote awareness to fight Alzheimer's disease and related disorders. Senator Ragan (2/13/12).

Carl and Pauline Miller, West Burlington—For celebrating their 70th wedding anniversary. Senator Courtney (2/13/12).

REPORT OF COMMITTEE MEETING

EDUCATION

Convened: Monday, February 13, 2012, 2:20 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Organizational meeting.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

Senate File 2165, by committee on Human Resources, a bill for an act relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2166, by committee on Human Resources, a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2167, by committee on Natural Resources and Environment, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2168, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2169, by committee on Transportation, a bill for an act relating to matters under the purview of the department of transportation, including provisions concerning the regulation of motor vehicles and motor vehicle dealers, the licensing and regulation of motor vehicle operators, and administrative reporting requirements, providing penalties, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2170, by committee on Commerce, a bill for an act relating to service of notice requirements for holders of a property tax sale certificate of purchase.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2171, by committee on Commerce, a bill for an act relating to third-party payment of services provided by a doctor of chiropractic.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2172, by committee on Agriculture, a bill for an act relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2173, by committee on State Government, a bill for an act authorizing the imposition of certain charges for fire protection and emergency medical services.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2174, by committee on State Government, a bill for an act relating to the regulation of persons offering occupational therapy services and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2175, by Quirmbach, Hogg, Dvorsky, Dearden, and Bolkcom, a bill for an act specifying requirements applicable to the issuance of a permit for extraction of oil or natural gas pursuant to hydraulic fracturing.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2176, by Boettger, Zaun, Behn, McKinley, Seymour, Whitver, Hamerlinck, Johnson, Greiner, Kapucian, Ward, Chelgren, Hahn, Ernst, Anderson, Houser, Feenstra, and Smith, a bill for an act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2177, by Sodders, a bill for an act relating to county and multicounty juvenile detention homes.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2178, by Seng, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILLS RECEIVED

SSB 3152 Human Resources

Relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

SSB 3153 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

SSB 3154 Judiciary

Relating to the criminal offense of solicitation to commit murder and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2145

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Smith

Senate File 2150

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

Senate File 2175

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Hahn and Hogg

House File 2101

LOCAL GOVERNMENT: Rielly, Chair; Bartz and Quirmbach

House File 2166

WAYS AND MEANS: Dotzler, Chair; Black and Feenstra

SSB 3152

HUMAN RESOURCES: Hatch, Chair; Ragan, Bolkcom, Boettger, and Seymour

SSB 3153

JUDICIARY: Whitver, Chair; Hancock and Jochum

SSB 3154

JUDICIARY: Hogg, Chair; Sodders and Dix

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2172 (formerly SF 2022), a bill for an act relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Seng, Fraise, Johnson, Bowman, Courtney, Greiner, Hahn, Hancock, Kapucian, and Kibbie. Nays, none. Absent, 3: Black, Houser, and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: *SENATE FILE 2170 (SSB 3098), a bill for an act relating to service of notice requirements for holders of a property tax sale certificate of purchase.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2170, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2171 (SSB 3063), a bill for an act relating to third-party payment of services provided by a doctor of chiropractic.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Feenstra, Mathis, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, 2: Kettering and Ward. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: SENATE FILE 2168 (formerly SF 2110), a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Danielson, Hatch, Horn, Mathis, Rielly, Ward, and Wilhelm. Nays, 2: Chelgren and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2165 (SSB 3083), a bill for an act relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2165, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2166 (SSB 3056), a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2166, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2167 (SSB 3051), a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Dearden, Black, Hahn, Bolkcom, Ernst, Hogg, Ragan, Schoenjahn, and Seng. Nays, 4: Hamerlinck, Hancock, Kapucian, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2167, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2173 (formerly SF 2012), a bill for an act authorizing the imposition of certain charges for fire protection and emergency medical services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Soddors. Nays, 5: Sorenson, Bertrand, Chelgren, Dix, and Smith. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2174 (SSB 3092), a bill for an act relating to the regulation of persons offering occupational therapy services and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2174, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 2169 (SSB 3109), a bill for an act relating to matters under the purview of the department of transportation, including provisions concerning the regulation of motor vehicles and motor vehicle dealers, the licensing and regulation of motor vehicle operators, and administrative reporting requirements, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2169, and they were attached to the committee report.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of February, 2012.

Senate File 93.

MICHAEL E. MARSHALL
Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 14, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by The Most Reverend Martin Amos, Bishop of the Diocese of Davenport. He was the guest of Senators Hamerlinck and Seng.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Monday, February 13, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 13, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2086, a bill for an act relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions.

ALSO: That the House has on February 13, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2245, a bill for an act relating to requirements for the enactment of the state percent of growth and the categorical state percent of growth and including effective date provisions.

Read first time and referred to committee on **Education**.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced San Wong, the governor's appointee to be the Director of the Department of Human Rights. She was the guest of Senator Jochum and the committee on State Government.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:03 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:04 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:44 a.m., President Kibbie presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2161.

Senate File 2161

On motion of Senator Bolkcom, **Senate File 2161**, a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions, was taken up for consideration.

Senator Bolkcom offered amendment S-5012, filed by him from the floor to page 1 of the bill.

(Senate File 2161 and amendment S-5012 were deferred.)

The Senate stood at ease at 11:50 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 12:12 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Johnson and Zaun, until they return, on request of Senator Behn.

The Senate resumed consideration of Senate File 2161 and amendment S-5012, previously deferred.

Senator Bolkcom moved the adoption of amendment S-5012.

Amendment S-5012 was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2161), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Behn	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm

Nays, none.

Absent, 2:

Johnson Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2161** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:28 p.m. until 9:00 a.m., Wednesday, February 15, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF REVENUE

Tax Year 2010 Dependent Health Care Coverage Report, pursuant to 2008 Iowa Acts, HF 2539, section 4. Report received on February 10, 2012.

2011 Research Activities Tax Credit Annual Report, pursuant to 2009 Iowa Acts, SF 478, sections 232–234. Report received on February 10, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

The Honorable Yang Guoqiang, Consul General of the People's Republic of China in China—For being recognized as a distinguished guest of the people of Iowa and an esteemed visitor to the Iowa Capitol. Senator Beall (2/14/12).

John and DeDe Kopsa, Tama—For celebrating their 60th wedding anniversary. Senator Kapucian (2/14/12).

Janice K. Laue, Des Moines—In honor of her retirement from service to the Iowa AFL-CIO of Des Moines. Senator Kibbie (2/14/12).

The Honorable Zhang Qingwei, Governor of the People's Government of Hebei Province—For being recognized as a distinguished guest of the people of Iowa and an esteemed visitor to the Iowa Capitol. Senator Beall (2/14/12).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, February 9, 2012, 1:00 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: Courtney (excused).

Committee Business: Approved SSB 3063. Approved SSB 3098 as amended. Presentation by Clean Line Energy Partners.

Recessed: 1:05 p.m.

Reconvened: 1:15 p.m.

Adjourned: 1:50 p.m.

ALSO:

Convened: Tuesday, February 14, 2012, 1:05 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 3101 and 3125. Discussed governor's appointee.

Adjourned: 1:40 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 14, 2012, 2:00 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Approved governor's appointees. Approved SSB 3072. Presentation by IEDA.

Recessed: 2:05 p.m.

Reconvened: 2:20 p.m.

Adjourned: 3:05 p.m.

HUMAN RESOURCES

Convened: Monday, February 13, 2012, 4:00 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Approved SSBs 3053 and 3084. Approved SSB 3080 as amended.

Adjourned: 4:20 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 9, 2012, 10:25 a.m.

Members Present: Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Presentations by the Department of Human Services and the Iowa Health Care Association. Considered SSB 3111.

Adjourned: 11:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 14, 2012, 2:05 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Approved SSB 3050 as amended. Presentation by The Raccoon Watershed Association.

Adjourned: 2:50 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, February 14, 2012, 12:30 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 105.

Adjourned: 12:35 p.m.

STATE GOVERNMENT

Convened: Thursday, February 9, 2012, 3:00 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Dix, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders.

Members Absent: Feenstra (excused).

Committee Business: Passed SF 2012. Approved SSB 3092. Discussed governor's appointee.

Recessed: 3:05 p.m.

Reconvened: 3:15 p.m.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 9, 2012, 10:30 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 14, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations on healthcare workforce.

Adjourned: 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Tuesday, February 14, 2012, 10:10 a.m.

Members Present: McCoy, Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: Beall, Vice Chair (excused).

Committee Business: Approved LSBs 5121JA and 5121.

Adjourned: 10:20 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 105, by Gronstal, Kibbie, and Behn, a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Joint Resolution 2002, by Danielson, a joint resolution requesting the proposal of an amendment to the Constitution of the United States relating to Citizens United v. Federal Election Commission.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 2179, by Danielson, a bill for an act establishing a teacher loan forgiveness match program.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2180, by Danielson, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2181, by Danielson, a bill for an act relating to coverage under the medical assistance program for the costs associated with the birth of a child relinquished under the newborn safe haven Act.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2182, by Quirnbach, a bill for an act relating to the retention of funds due to contractors for claims for labor, service, and transportation on public improvements.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2183, by Danielson, a bill for an act relating to nomination papers filing deadlines for school district and merged area elections.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2184, by Danielson, a bill for an act relating to the staffing of department of human services local offices.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2185, by committee on Human Resources, a bill for an act relating to the supervision of physician assistants.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2186, by committee on Human Resources, a bill for an act relating to medical assistance eligibility for inmates of public institutions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2187, by Chelgren, a bill for an act eliminating public employee collective bargaining and including effective date, applicability, and transition provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2188, by committee on Human Resources, a bill for an act relating to the renewal period for foster care licensing.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2189, by Ernst, Zaun, Hahn, Johnson, McKinley, Whitver, Chelgren, Bartz, Ward, Feenstra, Bertrand, Anderson, and Sorenson, a bill for an act relating to reserve peace officers approved and certified to carry weapons in the line of duty and nonprofessional permits to carry weapons.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2190, by Ernst, a bill for an act relating to county commissions of veteran affairs.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

STUDY BILLS RECEIVED

SSB 3155 Appropriations

Relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including effective date and retroactive applicability provisions.

SSB 3156 Veterans Affairs

Permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

SSB 3157 Veterans Affairs

Requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

SSB 3158 Commerce

Relating to boiler inspections.

SSB 3159 Commerce

Requiring a commercial breeder of dogs and cats to file evidence of financial responsibility with the department of agriculture and land stewardship, and making penalties applicable.

SSB 3160 Commerce

Relating to security interests in farm products, providing for fees and their expenditure, and including contingent applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 495**

HUMAN RESOURCES: Ragan, Chair; Bacon and Bolkom

Senate File 2131

HUMAN RESOURCES: Ragan, Chair; Bolkom and Seymour

Senate File 2148

ECONOMIC GROWTH/REBUILD IOWA: Wilhelm, Chair; Soddors and Whitver

Senate File 2152

AGRICULTURE: Kibbie, Chair; Fraise and Houser

Senate File 2155

EDUCATION: Hogg, Chair; Dvorsky and Hamerlinck

Senate File 2162

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Mathis and Whitver

Senate File 2167

WAYS AND MEANS: Black, Chair; Chelgren and Seng

Senate File 2176

HUMAN RESOURCES: Bolkcom, Chair; Bacon and Hatch

Senate File 2177

HUMAN RESOURCES: Ragan, Chair; Boettger and Jochum

House File 2144

COMMERCE: Wilhelm, Chair; Feenstra and Seng

House File 2168

COMMERCE: McCoy, Chair; Kettering and Rielly

House File 2226

HUMAN RESOURCES: Dotzler, Chair; Whitver and Wilhelm

SSB 3155

APPROPRIATIONS: Jochum, Chair; Dvorsky and Bartz

SSB 3156

VETERANS AFFAIRS: Black, Chair; Ernst and Horn

SSB 3157

VETERANS AFFAIRS: Ragan, Chair; Danielson and Ernst

SSB 3158

COMMERCE: McCoy, Chair; Courtney and Anderson

SSB 3159

COMMERCE: McCoy, Chair; Bolkcom and Zaun

SSB 3160

COMMERCE: Mathis, Chair; Wilhelm and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: SENATE FILE 2185 (SSB 3053), a bill for an act relating to the supervision of physician assistants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2186 (SSB 3084), a bill for an act relating to medical assistance eligibility for inmates of public institutions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2188 (SSB 3080), a bill for an act relating to the renewal period for foster care licensing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2188, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 105, a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 14, 2012, when the vote was taken on Senate File 2161. Had I been present, I would have voted "Aye."

BRAD ZAUN

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Pete Brownell – Economic Development Authority
Kaye DeLange – Economic Development Authority

Dustin Embree – Iowa Great Places Board

AMENDMENT FILED

S-5012 S.F. 2161 Joe Bolckcom

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 15, 2012

The Senate met in regular session at 9:12 a.m., President Kibbie presiding.

Prayer was offered by Reverend Jim Laupp, pastor of the First Baptist Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Tuesday, February 14, 2012, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 105.

Senate Resolution 105

On motion of Senator Gronstal, **Senate Resolution 105**, a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:16 a.m. until 9:00 a.m., Thursday, February 16, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

James and Gwenath Anderson, Williams—For celebrating their 60th wedding anniversary. Senator Bacon (2/15/12).

Pastor Jim Laupp, First Baptist Church, Fort Dodge—For blessing us with the opening prayer in the Iowa Senate. Senator Beall (2/15/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, February 14, 2012, 5:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Black, Boettger, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Bartz, Fraise, and Johnson (all excused).

Committee Business: Passed SF 2024 as amended. Approved SSB 3130 as amended.

Recessed: 5:10 p.m.

Reconvened: 5:40 p.m.

Adjourned: 5:50 p.m.

JUDICIARY

Convened: Tuesday, February 14, 2012, 3:10 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed SF 2021 as amended. Approved SSBs 3026, 3075, and 3134 as amended. Approved governor's appointees.

Recessed: 3:15 p.m.

Reconvened: 3:40 p.m.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: Wednesday, February 15, 2012, 2:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 3120 and 3141.

Adjourned: 2:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 15, 2012, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bowman and Ernst.

Members Absent: Bartz, Ranking Member (excused).

Committee Business: Discussed appropriations.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 15, 2012, 10:05 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; Bertrand and Mathis.

Members Absent: None.

Committee Business: Presentations by Small Business Development Centers and Main Street Iowa of the Iowa Economic Development Authority.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 15, 2012, 10:15 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Discussed budget proposal.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, February 15, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; and Bacon.

Members Absent: Johnson, Ranking Member; and Bolkom (both excused).

Committee Business: Presentations by Iowa Workforce Development and Iowa Medicaid Enterprises. Panel discussion on health care delivery.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 106, by Hatch, Hogg, Mathis, Dvorsky, Horn, Dearden, Fraise, Gronstal, Kibbie, Black, McCoy, Beall, Wilhelm, Quirmbach, Ragan, Bowman, Seng, Schoenjahn, Bolkom, Dotzler, Danielson, Rielly, and Jochum, a resolution honoring Art Pennington, an American baseball great.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2191, by Zaun, a bill for an act providing for the distribution of fines collected under a city or county automated traffic law enforcement program to local nonprofit organizations.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2192, by Seng, a bill for an act relating to open records requests and violations.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2193, by Chelgren, a bill for an act creating an exemption from the computation of the state individual income tax of net capital gains from an equity investment in a qualified Iowa business and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2194, by Sorenson, a bill for an act relating to the prohibition of terminations of pregnancy and abortions, providing penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2195, by Rielly, a bill for an act relating to payment of medical assistance debts from certain insurance policy and annuity proceeds.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2196, by Zaun, a bill for an act relating to the creation of a transfer on death designation affidavit, and providing penalties, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2197, by Rielly, a bill for an act relating to the criminal offense of incest, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2198, by Sorenson, a bill for an act establishing an Iowa freedom and sovereignty Act and including penalties.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2199, by Hatch, Hancock, Danielson, Dotzler, Dvorsky, Bolkcom, Quirmbach, Ragan, Wilhelm, Beall, Kibbie, Gronstal, Soddors, Fraise, and Dearden, a bill for an act relating to approval, notification, and reporting of political activities by certain corporations and other entities.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2200, by Sorenson, a bill for an act prohibiting the use of automated traffic law enforcement systems by local authorities and providing a monetary penalty for noncompliance.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2201, by Sorenson, a bill for an act relating to the use of a full-body scanner at an airport and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2202, by committee on Commerce, a bill for an act relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2203, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2204, by Soddors, a bill for an act establishing a public safety training and equipment trust fund and providing for appropriations of moneys in the fund.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2205, by Whitver, a bill for an act relating to the promulgation and review of administrative rules.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2206, by Chelgren, a bill for an act providing an exemption from the computation of net income for the individual state income tax of all social security benefits and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2207, by Whitver and Kapucian, a bill for an act concerning payment of health insurance premium costs by members of the general assembly and statewide elected officials.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2208, by committee on Judiciary, a bill for an act relating to the confidentiality of an arrest warrant.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2209, by committee on Judiciary, a bill for an act prohibiting certain credits for time served while on probation.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2210, by committee on Commerce, a bill for an act concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3161 State Government

Relating to approval, notification, and reporting of political activities by certain corporations and other entities and making penalties applicable.

SSB 3162 Natural Resources and Environment

Requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

SSB 3163 State Government

Concerning persons voluntarily excluded from gambling facilities and providing an appropriation.

SSB 3164 State Government

Authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable.

SSB 3165 Transportation

Relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements.

SSB 3166 Education

Establishing an internet site to distribute information regarding internship opportunities in Iowa.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2002

STATE GOVERNMENT: Danielson, Chair; Chelgren and Hatch

Senate File 2028
(Reassigned)

JUDICIARY: Quirnbach, Chair; Dvorsky and Sorenson

Senate File 2128

COMMERCE: Beall, Chair; Bertrand and Bolkcom

Senate File 2179

EDUCATION: Schoenjahn, Chair; Beall and Feenstra

Senate File 2180

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

Senate File 2181

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Whitver

Senate File 2183

STATE GOVERNMENT: Danielson, Chair; Chelgren and Jochum

Senate File 2184

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolkcom

Senate File 2187

STATE GOVERNMENT: Horn, Chair; Chelgren and Dearden

Senate File 2192

STATE GOVERNMENT: Horn, Chair; Dearden and Smith

Senate File 2204

STATE GOVERNMENT: Soddors, Chair; Danielson and Dix

House File 2145

COMMERCE: Rielly, Chair; McCoy and Ward

House File 2245

EDUCATION: Quirnbach, Chair; Hamerlink and Schoenjahn

SSB 3161

STATE GOVERNMENT: Danielson, Chair; Dix and Soddors

SSB 3162

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Kapucian and Ragan

SSB 3163

STATE GOVERNMENT: Danielson, Chair; Dix and Kibbie

SSB 3164

STATE GOVERNMENT: Danielson, Chair; Bertrand and Horn

SSB 3165

TRANSPORTATION: Bowman, Chair; Beall and Ernst

SSB 3166

EDUCATION: Quirmbach, Chair; Beall and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2024, a bill for an act relating to workforce training programs in community colleges and making appropriations.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5013.

Final Vote: Ayes, 12: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 6: Dix, Boettger, Houser, Kapucian, Kettering, and Seymour. Absent, 3: Bartz, Fraise, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: SENATE FILE 2202 (SSB 3125), a bill for an act relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2210 (SSB 3101), a bill for an act concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2210, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2203 (SSB 3134), a bill for an act relating to nonsubstantive Code corrections and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2208 (SSB 3026), a bill for an act relating to the confidentiality of an arrest warrant.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2208, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2209 (SSB 3075), a bill for an act prohibiting certain credits for time served while on probation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2209, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 15, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 93 – Enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

AGRICULTURE

Cindy Hall – Agricultural Development Authority

JUDICIARY

Mardi Allen – Criminal and Juvenile Justice Planning Advisory Council

Patrick Gibbs – Criminal and Juvenile Justice Planning Advisory Council

Todd Thoeming – Iowa Drug Policy Advisory Council

Nancy Bodnar – Iowa Law Enforcement Academy Council

Lisa Campbell – Iowa Law Enforcement Academy Council

Brian Gardner – Iowa Law Enforcement Academy Council

Brian Guy – Iowa Law Enforcement Academy Council

AMENDMENTS FILED

S-5013	S.F.	2024	Appropriations
S-5014	S.F.	2125	Amanda Ragan

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 16, 2012

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Wendy Abrahamson of St. John's Episcopal Church in Mason City, Iowa. She was the guest of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Wednesday, February 15, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2120, a bill for an act relating to the practice of optometry.

ALSO: That the House has on February 15, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2071, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates. (S-5015)

ALSO: That the House has on February 14, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2274, a bill for an act relating to property taxation and local government budgets by increasing the regular program foundation base percentage, establishing a property tax exemption for certain commercial and industrial property, establishing and modifying property assessment limitations, providing for certain property tax replacement payments, modifying the assessment and taxation of telecommunications company property, establishing budget limitations for counties and cities, eliminating certain reporting requirements, making appropriations, and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:09 a.m. until 1:00 p.m., Monday, February 20, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Kayla De Weerd, Hull—In recognition of her exemplary volunteer service by receiving the 2012 Prudential Spirit of Community Award. Senator Feenstra (2/16/12).

Lorna Rebhuhn, Webster City—For celebrating her 80th birthday. Senator Bacon (2/16/12).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 16, 2012, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bowman, Chelgren, Danielson, Hatch, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Bertrand and Horn (both excused).

Committee Business: Passed SF 2148. Approved SSB 3151. Approved governor's appointee.

Recessed: 2:10 p.m.

Reconvened: 2:20 p.m.

Adjourned: 2:30 p.m.

JUDICIARY

Convened: Thursday, February 16, 2012, 12:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved SSBs 3061 and 3074 as amended. Approved governor's appointee.

Recessed: 12:10 p.m.

Reconvened: 12:25 p.m.

Adjourned: 12:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 16, 2012, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Passed LSB 5117SA as amended.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 16, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Department of Health and the Commission on Tobacco Use Prevention and Control.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 107, by Quirmbach, a resolution honoring Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2211, by Mathis, a bill for an act establishing an Iowans first tax credit program within the economic development authority for taxpayers who hire qualified individuals and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2212, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2213, by Kapucian, Soddors, Beall, Johnson, Anderson, Bacon, Boettger, Ernst, Hahn, Bartz, Chelgren, Whitver, Seymour, and Houser, a bill for an act exempting certain veterans organizations from payment of sales tax and certain fees for conducting games and raffles.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 2214, by Danielson, a bill for an act relating to the knowing misrepresentation or knowing omission of a person's financial information on the person's application for free legal assistance from a nonprofit legal aid organization and providing penalties.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2215, by Mathis, a bill for an act relating to bidding for purchases or public improvements through a competitive bidding process by the state or political subdivisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2216, by committee on Transportation, a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2217, by committee on Appropriations, a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 2218, by committee on Judiciary, a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2219, by committee on Education, a bill for an act relating to the continuation of the Iowa early intervention block grant program and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2220, by committee on Education, a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2221, by committee on Education, a bill for an act requiring background checks for school bus drivers and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2222, by Dotzler, Dvorsky, Seng, Hancock, Bowman, Hatch, Horn, Dearden, Fraise, Courtney, Gronstal, Kibbie, Black, Jochum, Ragan, Wilhelm, Danielson, Bolkcom, Schoenjahn, Soddors, and Rielly, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

STUDY BILLS RECEIVED

SSB 3167 Education

Concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

SSB 3168 State Government

Concerning public construction bidding by establishing a pilot program for alternative project delivery processes for certain public projects and utilizing alternative selection procedures for certain professional services and making an appropriation.

SSB 3169 State Government

Relating to radon control by requiring the state building code commissioner to adopt statewide radon control standards in residential construction, requiring that radon testing, mitigation, or

abatement be conducted in schoolhouses and certain residential buildings, requiring certain notifications, and providing an income tax credit, and including retroactive applicability provisions.

SSB 3170 State Government

Relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2191

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

Senate File 2194

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolcom

Senate File 2198

STATE GOVERNMENT: Hatch, Chair; Fraise and Sorenson

Senate File 2199

STATE GOVERNMENT: Danielson, Chair; Hatch and Smith

Senate File 2200

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

Senate File 2201

TRANSPORTATION: Rielly, Chair; Hancock and Houser

Senate File 2205

STATE GOVERNMENT: Danielson, Chair; Feenstra and Kibbie

Senate File 2211

ECONOMIC GROWTH/REBUILD IOWA: Mathis, Chair; Dotzler and Whitver

Senate File 2215

ECONOMIC GROWTH/REBUILD IOWA: Mathis, Chair; Dotzler and Whitver

House File 2145
(Reassigned)

COMMERCE: Rielly, Chair; Schoenjahn and Ward

SSB 3167

EDUCATION: Quirnbach, Chair; Feenstra and Hogg

SSB 3168

STATE GOVERNMENT: McCoy, Chair; Feenstra and Jochum

SSB 3169

STATE GOVERNMENT: Hatch, Chair; Feenstra and Sodders

SSB 3170

STATE GOVERNMENT: Sodders, Chair; Dix and McCoy

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2217 (SSB 3130), a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Dvorsky, McCoy, Dix, Black, Boettger, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 3: Bartz, Fraise, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2217, and they were attached to the committee report.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *SENATE FILE 2212 (SSB 3072), a bill for an act relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2212, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 2219 (SSB 3102), a bill for an act relating to the continuation of the Iowa early intervention block grant program and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Schoenjahn, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, 1: Hamerlinck. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2220 (formerly SF 2044), a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2220, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2221 (SSB 3003), a bill for an act requiring background checks for school bus drivers and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2221, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2218 (formerly SF 2021), a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2218, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2216 (SSB 3120), a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Larry Den Herder – Economic Development Authority

AMENDMENTS FILED

S-5015	S.F.	2071	House
S-5016	S.F.	2203	Judiciary

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 20, 2012

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Pastor Ramona Bouzard, Dean of the Chapel at Wartburg College in Waverly, Iowa. She was the guest of Senators Dix and Mathis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Iry Eicher.

The Journal of Thursday, February 16, 2012, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 16, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2284, a bill for an act relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Becky Schmitz, former member of the Senate from Jefferson County, Fairfield, Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:35 p.m. until 5:00 p.m.

APPENDIX—1

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

Kindergarten Literacy Assessment Preliminary Report, pursuant to 2005 Iowa Acts, HF 761, section 16. Report received on February 17, 2012.

Modified Allowable Growth for Dropout Prevention Annual Report, pursuant to Iowa Code section 257.40(2). Report received on February 17, 2012.

DEPARTMENT OF NATURAL RESOURCES

Manure on Frozen and Snow-Covered Ground Annual Report, pursuant to Iowa Code section 459.313B. Report received on February 17, 2012.

RACING AND GAMING COMMISSION

2011 Annual Report, pursuant to Iowa Code section 99D.21. Report received on February 20, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dale and Dorothy Green, Estherville—For celebrating their 65th wedding anniversary. Senator Kibbie (2/20/12).

Hannah Jorgensen, Adair—For receiving the Prudential Spirit of Community Award. Senator Boettger (2/20/12).

William Schany Sr., Curlew—For celebrating his 90th birthday. Senator Kibbie (2/20/12).

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2003, by Johnson, Hancock, Wilhelm, Hatch, Horn, Dearden, Fraise, Courtney, Gronstal, Kibbie, Beall, Soddors, Schoenjahn, Ragan, Mathis, Jochum, Bowman, Danielson, Dotzler, Hogg, Kapucian, Zaun, Chelgren, Ward, Whitver, Seymour, Houser, McKinley, Behn, Sorenson, Anderson, Bertrand, Kettering, Hahn, Boettger, Bacon, Ernst, Smith, Dix, Hamerlinck, and Feenstra, a joint resolution relating to the designation of the department of public safety building as the Oran Pape State Office Building.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Resolution 108, by Quirmbach, a resolution recognizing Dr. Dan Shechtman of the Iowa State University College of Engineering, the United States Department of Energy's Ames Laboratory, and Technion-Israel Institute of Technology on his receipt of the 2011 Nobel Prize in Chemistry.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2223, by committee on Natural Resources and Environment, a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2224, by committee on Transportation, a bill for an act relating to funding for Iowa roads, including by increasing the excise tax on motor fuel and special fuel used in motor vehicles, providing for the use of certain revenues, providing for related

studies, evaluations, and reports, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2225, by committee on Education, a bill for an act relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2226, by committee on Economic Growth/Rebuild Iowa, a bill for an act creating the manufactured housing program fund.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2227, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to the amount allowable as an innovation fund investment tax credit and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2228, by Ward, a bill for an act prohibiting the use of automated traffic law enforcement systems, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2229, by Gronstal, a bill for an act modifying the periods of time to bring civil and criminal actions relating to the sexual abuse of minors.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2230, by Hatch, a bill for an act relating to health care cost containment measures and providing for a fee.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2231, by committee on Judiciary, a bill for an act relating to the practices and procedures of the state public defender.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2232, by committee on Judiciary, a bill for an act relating to certain multiple driving-related convictions involving one event or occurrence of driving.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3171 Education

Relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools; and providing for the retention of certain fees and for the use of certain funds.

SSB 3172 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions.

SSB 3173 Appropriations

Relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

SSB 3174 Appropriations

Relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for properly related matters, and effective date and retroactive applicability provisions.

SSB 3175 Appropriations

Relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

SSB 3176 State Government

Relating to government operations and efficiency and other related matters and including effective date provisions.

SSB 3177 Judiciary

Establishing the criminal offense of sexual abuse in the fourth degree, making related changes to sexual abuse in the third degree, providing penalties, and including retroactive and other applicability provisions.

SSB 3178 Economic Growth/Rebuild Iowa

Relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2003**

STATE GOVERNMENT: Hatch, Chair; Dearden and Sorenson

Senate File 2168

WAYS AND MEANS: Dotzler, Chair; Bolkom and Feenstra

Senate File 2178

WAYS AND MEANS: Quirmbach, Chair; Anderson and Seng

Senate File 2190

VETERANS AFFAIRS: Black, Chair; Danielson and Ernst

Senate File 2193

WAYS AND MEANS: Bolkcom, Chair; Anderson and Quirmbach

Senate File 2196

JUDICIARY: Fraise, Chair; Dvorsky and Whitver

Senate File 2197

JUDICIARY: Hogg, Chair; Hancock and Sorenson

Senate File 2206

WAYS AND MEANS: Quirmbach, Chair; Anderson and Dotzler

Senate File 2213

VETERANS AFFAIRS: Sodders, Chair; Horn and Seymour

Senate File 2214

JUDICIARY: Fraise, Chair; Dix and Dvorsky

Senate File 2222

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Chelgren and Wilhelm

Senate File 2229

JUDICIARY: Hogg, Chair; Sodders and Sorenson

House File 2169

WAYS AND MEANS: Bolkcom, Chair; Anderson and Dotzler

House File 2274

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

SSB 3171

EDUCATION: Quirmbach, Chair; Schoenjahn and Hamerlinck

SSB 3172

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

SSB 3173

APPROPRIATIONS: Jochum, Chair; Bartz and Dvorsky

SSB 3174

APPROPRIATIONS: Dotzler, Chair; Boettger and Dvorsky

SSB 3175

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

SSB 3176

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

SSB 3177

JUDICIARY: Boettger, Co-Chair; Fraise, Co-Chair; Dix, Horn, and Jochum

SSB 3178

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Sodders and Greiner

FINAL COMMITTEE REPORTS OF BILL ACTION**ECONOMIC GROWTH/REBUILD IOWA**

Bill Title: SENATE FILE 2226 (formerly SF 2148), a bill for an act creating the manufactured housing program fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sodders, Dotzler, Greiner, Bacon, Bowman, Chelgren, Danielson, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Present, 1: Hatch. Absent, 2: Bertrand and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2227 (SSB 3151), a bill for an act relating to the amount allowable as an innovation fund investment tax credit and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sodders, Dotzler, Greiner, Bacon, Bowman, Chelgren, Danielson, Hatch, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, 2: Bertrand and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 2225 (formerly SF 2035), a bill for an act relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Sodders, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2225, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2231 (SSB 3061), a bill for an act relating to the practices and procedures of the state public defender.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Sodders, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2231, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2232 (SSB 3074), a bill for an act relating to certain multiple driving-related convictions involving one event or occurrence of driving.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Sodders, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2232, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2223 (SSB 3050), a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, and Seng. Nays, 1: Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2223, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 2224 (SSB 3141), a bill for an act relating to funding for Iowa roads, including by increasing the excise tax on motor fuel and special fuel used in motor vehicles, providing for the use of certain revenues, providing for related studies, evaluations, and reports, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hancock, Houser, and McCoy. Nays, 2: Hahn and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2224, and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of February, 2012.

Senate Files 2086 and 2120.

MICHAEL E. MARSHALL
Secretary of the Senate

EVENING SESSION

The Senate reconvened at 5:03 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he returns, on request of Senator Behn.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Cindy Hall, Agricultural Development Authority

David Kaptain – Board of Behavioral Science
Wade Leuwerke – Board of Behavioral Science

Gordon R. Neumann, Iowa Capital Investment Board

Mardi Allen, Criminal and Juvenile Justice Planning Advisory Council

Patrick Gibbs, Criminal and Juvenile Justice Planning Advisory Council

Todd Thoeming, Iowa Drug Policy Advisory Council

Dawn Ainger, Economic Development Authority
David Bernstein, Economic Development Authority
Pete Brownell, Economic Development Authority
Theodore Crosbie, Economic Development Authority
Brenda Cushing, Economic Development Authority
Kaye DeLange, Economic Development Authority
Larry Den Herder, Economic Development Authority
John Lisle, Economic Development Authority
Delia Meier, Economic Development Authority
Rosemary Parson, Economic Development Authority
Daniel White, Economic Development Authority

Amy Infelt, Elevator Safety Board

Jeffrey Heil, Iowa Finance Authority

Dustin Embree, Iowa Great Places Board
 Adam Feiges, Iowa Great Places Board
 Nick Glew, Iowa Great Places Board
 Gerald Schnepf, Iowa Great Places Board

Nancy Bodnar, Iowa Law Enforcement Academy Council
 Lisa Campbell, Iowa Law Enforcement Academy Council
 Brian Gardner, Iowa Law Enforcement Academy Council
 Brian Guy (Appointment & Reappointment), Iowa Law Enforcement
 Academy Council

Rhonda Reif, Board of Massage Therapy

Kimberly Doehrmann, Board of Mortuary Science

Lee Schoenewe (Appointment & Reappointment), Real Estate Appraiser
 Examining Board

Randy Olson, Renewable Fuel Infrastructure Board
 Maddison Sieck, Renewable Fuel Infrastructure Board

Dana McCarthy, Board of Social Work
 Neil Nelsen (Appointment & Reappointment), Board of Social Work

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun

Chelgren	Hamerlinck	Quirnbach
Courtney	Hancock	Ragan
Danielson	Hatch	Rielly

Nays, none.

Absent, 1:

McKinley

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2071

Senator Dvorsky called up for consideration **Senate File 2071**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates, amended by the House in House amendment S-5015, filed February 16, 2012.

Senator Dvorsky offered amendment S-5018, filed by him from the floor to pages 1, 2, 3, and 4 of House amendment S-5015.

(Senate File 2071 and amendment S-5018 to House amendment S-5015, were deferred.)

The Senate stood at ease at 5:09 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:37 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2071 and amendment S-5018.

Senator Dvorsky moved the adoption of amendment S-5018 to House amendment S-5015.

Amendment S-5018 was adopted by a voice vote.

Senator Dvorsky moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Dvorsky moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2071), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour
Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	Mathis	Whitver
Courtney	Hamerlinck	McCoy	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2071** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:45 p.m. until 9:00 a.m., Tuesday, February 21, 2012.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Wyatt Carpenter, Madrid—For achieving the rank of Eagle Scout, Troop 150. Senator Behn (2/20/12).

Michael Hayworth, Coralville—For achieving the rank of Eagle Scout, Troop 207. Senator Dvorsky (2/20/12).

Mervin H. Larson, Postville—For celebrating his 90th birthday. Senator Schoenjahn (2/20/12).

Logan Pearce, Mason City—For achieving the rank of Eagle Scout, Troop 12. Senator Ragan (2/20/12).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, February 20, 2012, 2:45 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sadders, and Wilhelm.

Members Absent: None.

Committee Business: Considered SF 2023 and SSB 3171.

Adjourned: 3:10 p.m.

LOCAL GOVERNMENT

Convened: Monday, February 20, 2012, 3:35 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirnbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Passed HF 2101. Approved SSB 3138 as amended.

Recessed: 3:40 p.m.

Reconvened: 3:55 p.m.

Adjourned: 4:10 p.m.

STATE GOVERNMENT

Convened: Monday, February 20, 2012, 3:35 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors.

Members Absent: None.

Committee Business: Passed SFs 2058 and 2090. Approved SSBs 3017 and 3077. Approved governor's appointees.

Recessed: 3:40 p.m.

Reconvened: 4:05 p.m.

Adjourned: 4:40 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Monday, February 20, 2012, 2:35 p.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Passed LSB 5122SA.

Adjourned: 2:45 p.m.

INTRODUCTION OF BILLS

Senate File 2233, by Houser, a bill for an act providing a property tax exemption for land designated as a preserved wetland.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2234, by Hancock, a bill for an act requiring the state fire marshal to reimburse lead public agencies for regional emergency response training centers for the costs of operation and maintenance of certain equipment utilized in the training of volunteer fire fighters.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2235, by Boettger, a bill for an act relating to high school examinations on the Constitution of the United States and the Constitution of the State of Iowa.

Read first time under Rule 28 and referred to committee on **Education**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2189

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

Senate File 2234

STATE GOVERNMENT: Sodders, Chair; Feenstra and Fraise

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 2101 (formerly HF 506), a bill for an act relating to preparation and recording of public land survey corner certificates.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2090, a bill for an act imposing a duty of reasonable assistance on a person present at the scene of an emergency or accident.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2058, a bill for an act relating to certain records of city utilities and city enterprises containing private customer information.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 1: Dix.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

JUDICIARY

Anita Guthrie – Iowa Law Enforcement Academy Council

STATE GOVERNMENT

Gene Beach – Vision Iowa Board
James Cornett – Vision Iowa Board
Craig Johnson – Vision Iowa Board
David Odekirk – Vision Iowa Board
Tammy Robinson – Vision Iowa Board

AMENDMENTS FILED

S-5017	S.F.	2113	Brian Schoenjahn
S-5018	S.F.	2071	Robert E. Dvorsky
S-5019	S.F.	2172	John P. Kibbie

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 21, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Pastor LeAnn Stubbs of St. Stephen Lutheran Church in Urbandale, Iowa. She was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Shannon Goes.

The Journal of Monday, February 20, 2012, was approved.

INTRODUCTION OF RESOLUTION

Senate Resolution 109, by Quirmbach, Bacon, Anderson, Bartz, Beall, Behn, Bertrand, Black, Boettger, Bolkcom, Bowman, Chelgren, Courtney, Danielson, Dearden, Dix, Dotzler, Dvorsky, Ernst, Feenstra, Fraise, Greiner, Gronstal, Hahn, Hamerlinck, Hancock, Hatch, Hogg, Horn, Houser, Jochum, Johnson, Kapucian, Kettering, Kibbie, Mathis, McCoy, McKinley, Ragan, Rielly, Schoenjahn, Seng, Seymour, Smith, Soddors, Sorenson, Ward, Whitver, Wilhelm, and Zaun, a resolution recognizing Dr. Dan Shechtman of the Iowa State University College of Engineering, the United States Department of Energy's Ames Laboratory, and Technion-Israel Institute of Technology on his receipt of the 2011 Nobel Prize in Chemistry.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:07 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:09 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 109, a resolution recognizing Dr. Dan Shechtman of the Iowa State University College of Engineering, the United States Department of Energy's Ames Laboratory, and Technion-Israel Institute of Technology on his receipt of the 2011 Nobel Prize in Chemistry.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SPECIAL GUEST

Senator Quirnbach introduced to the Senate chamber the 2011 Nobel Prize in Chemistry recipient, Dr. Dan Shechtman of the Iowa State University College of Engineering, the United States Department of Energy's Ames Laboratory, and Technion-Israel Institute of Technology.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 109.

Senate Resolution 109

On motion of Senator Quirmbach, **Senate Resolution 109**, a resolution recognizing Dr. Dan Shechtman of the Iowa State University College of Engineering, the United States Department of Energy's Ames Laboratory, and Technion-Israel Institute of Technology on his receipt of the 2011 Nobel Prize in Chemistry, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 2223 and 2227** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:28 a.m. until 9:00 a.m., Wednesday, February 22, 2012.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 15, 2012, 1:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Guest speaker. Considered governor's appointee.

Adjourned: 1:55 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 21, 2012, 1:30 p.m.

Members Present: Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Passed SF 2041 as amended. Approved SSBs 3108 and 3118 as amended.

Recessed: 1:35 p.m.

Reconvened: 2:05 p.m.

Adjourned: 2:20 p.m.

EDUCATION

Convened: Wednesday, February 15, 2012, 3:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Sodders, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Passed SF 3102. Passed SFs 2035, 2044, and 3003 as amended.

Adjourned: 4:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 21, 2012, 1:35 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, and Seng.

Members Absent: Bolkcom and Sorenson (both excused).

Committee Business: Approved SSB 3162 as amended.

Adjourned: 2:10 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, February 21, 2012, 9:05 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 109.

Adjourned: 9:10 a.m.

TRANSPORTATION

Convened: Tuesday, February 21, 2012, 9:50 a.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Passed SFs 2079 and 2091. Approved SSB 3165.

Adjourned: 10:40 a.m.

VETERANS AFFAIRS

Convened: Tuesday, February 21, 2012, 11:10 a.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders.

Members Absent: Black (excused).

Committee Business: Passed SF 2076 as amended. Approved SSBs 3150 and 3157.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 110, by Hancock, Beall, Kibbie, Danielson, Ernst, Kapucian, Seymour, and Bartz, a resolution urging Congress and the President of the United States to protect America's national guard units from additional budget cuts.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 111, by Dix, Greiner, Ward, Kapucian, Smith, Bacon, Boettger, Hahn, Kettering, Ernst, Zaun, Behn, Seymour, Whitver, Chelgren, Feenstra, Sorenson, Hamerlinck, Bartz, Bertrand, Houser, Anderson, and Johnson, a resolution requesting the United States Congress to make permanent the federal tax reductions provided to all Iowans.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2236, by committee on State Government, a bill for an act relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2237, by committee on State Government, a bill for an act concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2238, by Seng, a bill for an act concerning financing of the municipal fire and police retirement system and providing for an appropriation.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2239, by Seng, a bill for an act establishing an incentive program applicable to specified wind energy production facilities.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 2240, by committee on Local Government, a bill for an act relating to the powers and duties of county treasurers related to real property by modifying provisions for the payment of taxes and assessments in installments, modifying provisions providing for the apportionment of installment payments on delinquent taxes, and modifying certain tax payment provisions following a tax sale.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3179 State Government

Relating to fire protection and emergency medical services, including tax credits, service charges, and applicability provisions.

SSB 3180 Local Government

To legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

SSB 3181 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and the FY 2009 prison bonding fund, providing for related matters, and including effective date and retroactive applicability provisions.

SSB 3182 State Government

Allowing political subdivisions of this state to engage in partnerships to merge certain agency operations, workforces, duties, or services and providing for the assignment of employees and the elimination of positions in such agencies.

SSB 3183 Judiciary

Relating to county and multicounty juvenile detention homes.

SSB 3184 State Government

Authorizing a city to use city reserve funds as a loan for certain projects.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2228

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

Senate File 2235

EDUCATION: Beall, Chair; Boettger and Bowman

Senate File 2239

AGRICULTURE: Seng, Chair; Black and Kapucian

SSB 3179

STATE GOVERNMENT: Danielson, Chair; Dix and Soddors

SSB 3180

LOCAL GOVERNMENT: Courtney, Chair; Bartz and Quirmbach

SSB 3181

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

SSB 3182

STATE GOVERNMENT: Danielson, Chair; Dix and McCoy

SSB 3183

JUDICIARY: Soddors, Chair; Fraise and Ward

SSB 3184

STATE GOVERNMENT: Danielson, Chair; Dix and McCoy

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 2240 (SSB 3138), a bill for an act relating to the powers and duties of county treasurers related to real property by modifying provisions for the payment of taxes and assessments in installments, modifying provisions providing for the apportionment of installment payments on delinquent taxes, and modifying certain tax payment provisions following a tax sale.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirnbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2240, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2236 (SSB 3077), a bill for an act relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2237 (SSB 3017), a bill for an act concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, and Smith. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 2, 2012

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Pastor Randy Bixby, Chaplain and founder of the Convergence Center in Des Moines, Iowa. He was the guest of Senator Bacon.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nina Liu.

The Journal of Wednesday, February 1, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 1, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2103, a bill for an act reducing the time period during which new employers are subject to the new employer contribution rate for unemployment insurance and including effective date provisions.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2104, a bill for an act reducing the years of experience used to calculate an employer's contribution rate for unemployment insurance.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2145, a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

Read first time and referred to committee on **Commerce**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:23 a.m. until 1:00 p.m., Monday, February 6, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

2011 Annual Condition of Iowa's Community Colleges, pursuant to Iowa Code section 256.7(23). Report received on February 1, 2012.

DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council Annual Report, pursuant to Iowa Code section 216A.140(7g). Report received on February 1, 2012.

DEPARTMENT OF NATURAL RESOURCES

Lake Delhi Dam Reconstruction Design Alternatives Report, pursuant to 2011 Iowa Acts, HF 648, section 1. Report received on February 2, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Matthew Budelier, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Dr. Joe Seng, (2/2/12).

James Lang, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Dr. Joe Seng, (2/2/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 2, 2012, 12:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member; Black, and Kapucian (all excused).

Committee Business: Presentation by the Iowa Soybean Association and the Iowa Corn Growers Association.

Adjourned: 12:55 p.m.

APPROPRIATIONS

Convened: Wednesday, February 1, 2012, 4:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkom, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Danielson and Johnson (both excused).

Committee Business: Presentation by the Department of Management.

Adjourned: 5:05 p.m.

COMMERCE

Convened: Thursday, February 2, 2012, 1:20 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Kettering, Mathis, Schoenjahn, Seng, and Wilhelm.

Members Absent: Bertrand, Bolkom, Courtney, Feenstra, Ward, and Zaun (all excused).

Committee Business: Presentation by the Iowa Utilities Board. Approved SSB 3067.

Recessed: 1:25 p.m.

Reconvened: 1:35 p.m.

Adjourned: 1:45 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 02, 2012, 3:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bowman, Chelgren, Hatch, Mathis, Rielly, Whitver, and Wilhelm.

Members Absent: Bertrand, Danielson, Horn, and Ward (all excused).

Committee Business: Presentations by the Iowa Economic Development Authority and the Iowa Innovation Corporation.

Adjourned: 3:50 p.m.

EDUCATION

Convened: Monday, January 30, 2012, 2:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Presentations by the Department of Education.

Adjourned: 3:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Tuesday, January 31, 2012, 10:00 a.m.

Members Present: Courtney, Chair; Sorenson, Ranking Member; and Kibbie.

Members Absent: Soddors, Vice Chair; and Greiner (both excused).

Committee Business: Presentation by the Iowa Lottery.

Adjourned: 11:30 a.m.

HUMAN RESOURCES

Convened: Wednesday, February 1, 2012, 3:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver.

Members Absent: Johnson (excused).

Committee Business: Approved SSBs 3038, 3041, and 3043.

Adjourned: 3:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 31, 2012, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed SF 2017. Approved SSB 3058 as amended. Presentation by the Department of Natural Resources.

Adjourned: 3:00 p.m.

ALSO:

Convened: Thursday, February 02, 2012, 3:05 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Kapucian, Ragan, and Seng.

Members Absent: Ernst, Hamerlinck, Hancock, Hogg, Schoenjahn, and Sorenson (all excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, February 1, 2012, 10:25 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

Members Absent: Houser, Ranking Member (excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 11:35 a.m.

ALSO:

Convened: Thursday, February 2, 2012, 10:15 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

Members Absent: Houser, Ranking Member (excused).

Committee Business: Presentation by Easter Seals of Iowa.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 2, 2012, 10:25 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentation by the Iowa Finance Authority.

Adjourned: 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, February 2, 2012, 10:10 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentation on the Lake Delhi dam restoration.

Adjourned: 11:20 a.m.

INTRODUCTION OF BILLS

Senate File 2116, by Bartz, Smith, Behn, Feenstra, Kapucian, Hamerlinck, Dix, Whitver, Chelgren, Anderson, Seymour, Greiner, Sorenson, Ernst, Bacon, Boettger, Hahn, Kettering, and Zaun, a bill for an act relating to the review of administrative rules and the rulemaking process.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2117, by Zaun, a bill for an act providing for the disposition of fines collected by a city or county pursuant to an automated traffic law enforcement program.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2118, by Danielson, a bill for an act relating to contested charges for certain reimbursable employers for unemployment insurance.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 2119, by committee on Human Resources, a bill for an act relating to the sealing and expungement of child abuse registry information.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2120, by committee on State Government, a bill for an act relating to the practice of optometry.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2121, by committee on State Government, a bill for an act relating to the title of the office of citizens' aide.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2122, by committee on State Government, a bill for an act exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2123, by committee on Human Resources, a bill for an act making changes to the controlled substance schedules, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2124, by Bartz, a bill for an act relating to the duties, authority, and operations of governmental entities and officials and certain governmental enforcement actions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2125, by committee on Human Resources, a bill for an act relating to physician orders for scope of treatment.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2126, by committee on State Government, a bill for an act providing for the funding of the duties of the state's social security administrator.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3123 Commerce

Authorizing charitable auctions for alcoholic spirits.

SSB 3124 Commerce

Relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, and superintendent management authority, and making penalties applicable.

SSB 3125 Commerce

Relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

SSB 3126 Judiciary

Revising the Iowa nonprofit corporation Act.

SSB 3127 Veterans Affairs

Making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

SSB 3128 Commerce

Relating to the Iowa comprehensive health insurance association and to HIPIOWA-FED, and including effective date provisions.

SSB 3129 State Government

Establishing a limited license to conduct raffles by a qualified person.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2061**

COMMERCE: Rielly, Chair; Schoenjahn and Ward

Senate File 2072

COMMERCE: McCoy, Chair; Bertrand and Seng

Senate File 2077

WAYS AND MEANS: Bolkcom, Chair; Bartz and Jochum

Senate File 2078

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Zaun

Senate File 2081

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Quirmbach

Senate File 2094

JUDICIARY: Dvorsky, Chair; Fraise and Whitver

Senate File 2101

HUMAN RESOURCES: Jochum, Chair; Mathis and Whitver

Senate File 2102

STATE GOVERNMENT: Jochum, Chair; Feenstra and McCoy

Senate File 2103

HUMAN RESOURCES: Dotzler, Chair; Boettger and Jochum

Senate File 2105

STATE GOVERNMENT: Fraise, Chair; Chelgren and Dearden

Senate File 2106

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Bertrand and Mathis

Senate File 2108

STATE GOVERNMENT: Hatch, Chair; Danielson and Dix

Senate File 2110

ECONOMIC GROWTH/REBUILD IOWA: Bowman, Chair; Whitver and Wilhelm

Senate File 2117

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

SSB 3123

COMMERCE: McCoy, Chair; Anderson and Bolkcom

SSB 3124

COMMERCE: Bolkcom, Chair; Beall and Bertrand

SSB 3125

COMMERCE: Kettering, Chair; Courtney and Mathis

SSB 3126

JUDICIARY: Hogg, Chair; Fraise and Ward

SSB 3127

VETERANS AFFAIRS: Kibbie, Chair; Danielson and Seymour

SSB 3128

COMMERCE: McCoy, Chair; Bolkcom and Kettering

SSB 3129

STATE GOVERNMENT: Danielson, Chair; Smith and Sodders

FINAL COMMITTEE REPORTS OF BILL ACTION**EDUCATION**

Bill Title: SENATE FILE 2024, a bill for an act relating to workforce training programs in community colleges and making appropriations.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5006.

Final Vote: Ayes, 12: Quirmbach, Schoenjahn, Hamerlinck, Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: SENATE FILE 2119 (SSB 3038), a bill for an act relating to the sealing and expungement of child abuse registry information.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, and Quirmbach. Nays, 1: Whitver. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2123 (SSB 3041), a bill for an act making changes to the controlled substance schedules, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2125 (SSB 3043), a bill for an act relating to physician orders for scope of treatment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2125, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2120 (SSB 3057), a bill for an act relating to the practice of optometry.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2121 (SSB 3015), a bill for an act relating to the title of the office of citizens' aide.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2122 (SSB 3019), a bill for an act exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2126 (SSB 3016), a bill for an act providing for the funding of the duties of the state's social security administrator.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2126, and they were attached to the committee report.

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

COMMERCE

Swati Dandekar – Utilities Board

AMENDMENT FILED

S-5006 S.F. 2024 Education

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 22, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Dr. Reverend Matthew Rueger, pastor of the St. John Missouri Synod Lutheran Church in Hubbard, Iowa. He was the guest of Senator Soddors.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jordan Grube.

The Journal of Tuesday, February 21, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:20 a.m. until 3:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Justin Anderson—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

David Bartemes—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Leslie Berg—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Tamara Blaede—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Frank Bognanno—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Kerri Brenner—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Theresa Britt—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Emelia Chadwick—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Anna Corulli—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Connie Duinink—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Gail Endres—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Julie Goodale—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Stacy Hockaday—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Linda Hoskins—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Robert Irving—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Trace Kendig—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Michael Kreple—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Beverly Lund—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Corey McMordie—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Timothy Meyer—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Madonna Nichols—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Karen Parman—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Nina Philipps—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Steven Rebelsky—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Lynnette Richey—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Tracey Rosenberg—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Sarah Russell—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Brandon Sickler—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Cynthia Torvik—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Lynne Vestal—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

Kathy Wennihan—For being recognized as an Ambassador in the Above and Beyond Cancer organization. Senator Ward (2/22/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 22, 2012, 11:00 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: None.

Committee Business: Passed SFs 2073 and 2152. Approved SSBs 3140 and 3148.

Recessed: 11:05 a.m.

Reconvened: 11:20 a.m.

Adjourned: 11:40 a.m.

COMMERCE

Convened: Tuesday, February 21, 2012, 3:00 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Passed SF 2128 and HF's 2144 and 2145.

Recessed: 3:05 p.m.

Reconvened: 3:45 p.m.

Adjourned: 4:10 p.m.

EDUCATION

Convened: Wednesday, February 22, 2012, 9:35 a.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Passed SF 2087. Approved SSBs 3166 and 3171. Approved governor's appointee.

Recessed: 10:55 a.m.

Reconvened: 11:45 a.m.

Adjourned: 12:55 p.m.

JUDICIARY

Convened: Tuesday, February 21, 2012, 4:35 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed SF 2028 as amended. Approved SSB 3153. Approved SSBs 3126 and 3133 as amended. Approved governor's appointee.

Recessed: 4:40 p.m.

Reconvened: 5:00 p.m.

Adjourned: 5:20 p.m.

INTRODUCTION OF BILLS

Senate File 2241, by Zaun, Chelgren, Boettger, and McKinley, a bill for an act relating to education and school district funding by abolishing the department of education and the state board of education, modifying the duties and authority of certain state and local governmental entities, establishing an education savings grant program and fund, making appropriations, modifying the school district funding formula, providing penalties, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2242, by committee on Human Resources, a bill for an act relating to children in out-of-home placements in accordance with a court order.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2243, by committee on Human Resources, a bill for an act creating a licensed social worker loan repayment program and a revolving fund.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2244, by committee on Veterans Affairs, a bill for an act requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2245, by committee on Veterans Affairs, a bill for an act requiring a study and report on the establishment of a dual

diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2246, by Seng, a bill for an act requiring that absentee ballot return envelopes be marked with county commissioner of elections receipt and postmark requirements.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2247, by committee on Human Resources, a bill for an act relating to terminology changes in Iowa Code references to mental retardation.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2248, by committee on Human Resources, a bill for an act relating to the licensed professionals authorized to prescribe respiratory care services.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2249, by committee on Transportation, a bill for an act relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements.

Read first time under Rule 28 and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2093
(Reassigned)

TRANSPORTATION: Hancock, Chair; Danielson and Kapucian

Senate File 2142

WAYS AND MEANS: Quirmbach, Chair; Anderson and Bolkom

Senate File 2223

WAYS AND MEANS: Black, Chair; Bartz and Seng

Senate File 2227

WAYS AND MEANS: Dotzler, Chair; Feenstra and Mathis

Senate File 2230

WAYS AND MEANS: McCoy, Chair; Bolkcom and Smith

Senate File 2233

WAYS AND MEANS: Hogg, Chair; Bartz and Black

Senate File 2238

STATE GOVERNMENT: Danielson, Chair; Kibbie and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: HOUSE FILE 2144 (HSB 532), a bill for an act relating to permissible forms of ownership of transmission facilities subject to a joint agreement for generating, purchasing, or otherwise acquiring electric power and energy.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2145 (HSB 534), a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2242 (formerly SF 2101), a bill for an act relating to children in out-of-home placements in accordance with a court order.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, and Whitver. Nays, none. Absent, 1: Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2242, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2243 (SSB 3079), a bill for an act creating a licensed social worker loan repayment program and a revolving fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Seymour, Bacon, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, and Quirmbach. Nays, 2: Boettger and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2247 (SSB 3136), a bill for an act relating to terminology changes in Iowa Code references to mental retardation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2247, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2248 (SSB 3040), a bill for an act relating to the licensed professionals authorized to prescribe respiratory care services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2248, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2249 (SSB 3165), a bill for an act relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2244 (SSB 3157), a bill for an act requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2245 (SSB 3150), a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 3:38 p.m., President Kibbie presiding.

The Senate stood at ease at 3:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:16 p.m., President Pro Tempore Danielson presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Greiner and Houser, until they return, on request of Senator Boettger.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2125.

Senate File 2125

On motion of Senator Ragan, **Senate File 2125**, a bill for an act relating to physician orders for scope of treatment, was taken up for consideration.

Senator Ragan offered amendment S-5014, filed by her on February 15, 2012, to pages 1, 2, and 4 of the bill, and moved its adoption.

Amendment S-5014 was adopted by a voice vote.

Senator Ragan asked and received unanimous consent that **House File 2165** be **substituted** for **Senate File 2125**.

House File 2165

On motion of Senator Ragan, **House File 2165**, a bill for an act relating to physician orders for scope of treatment, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2165), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng

Behn	Dvorsky	Johnson	Seymour
Bertrand	Ernst	Kapucian	Smith
Black	Feenstra	Kettering	Sodders
Boettger	Fraise	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Courtney	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Greiner	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 2125** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2158 and 2024.

Senate File 2158

On motion of Senator Mathis, **Senate File 2158**, a bill for an act relating to reimbursement of speech pathology services under the medical assistance program, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2158), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn

Beall	Dotzler	Jochum	Seng
Behn	Dvorsky	Johnson	Seymour
Bertrand	Ernst	Kapucian	Smith
Black	Feenstra	Kettering	Sodders
Boettger	Fraise	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Courtney	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Greiner Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2024

On motion of Senator Kibbie, **Senate File 2024**, a bill for an act relating to workforce training programs in community colleges and making appropriations, with reports of committees on Education and Appropriations recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S–5013, filed by the committee on Appropriations on February 15, 2012, to pages 1–4 of the bill, and moved its adoption.

Amendment S–5013 was adopted by a voice vote.

With the adoption of amendment S–5013, the Chair ruled amendment S–5006, filed by the committee on Education on February 2, 2012, to pages 1–4 of the bill, out of order.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2024), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng

Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Dix	Kapucian	Ward
Bartz	Ernst	Kettering	Whitver
Behn	Feenstra	McKinley	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

Absent, 2:

Greiner	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2024 and 2158** and **House File 2165** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 22, 2012, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2071, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

ALSO: That the House has on February 22, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 105, a concurrent resolution urging the President of the United States and the United States Congress to protect the Rock Island Arsenal from future budget reductions.

Read first time and referred to committee on **Rules and Administration**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:33 p.m. until 9:00 a.m., Thursday, February 23, 2012.

APPENDIX—2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Seth Esaias, Red Oak—For becoming Class 2A – 182 pounds, State Wrestling Champion. Senator Ernst (2/22/12).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: Wednesday, February 22, 2012, 1:35 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Passed SF 2137. Approved SSBs 3096 and 3180.

Recessed: 1:40 p.m.

Reconvened: 1:50 p.m.

Adjourned: 2:05 p.m.

WAYS AND MEANS

Convened: Wednesday, February 22, 2012, 3:10 p.m.

Members Present: Bolkom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed HF 2150.

Adjourned: 3:15 p.m.

INTRODUCTION OF BILLS

Senate File 2250, by committee on Human Resources, a bill for an act relating to planning and service delivery under the purview of the department on aging including the designation of area agencies on aging, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2251, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to economic development by providing an adjustment to net income for certified suppliers of anchor manufacturers for purposes of state taxation and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2252, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to Iowa's urban renewal law.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2253, by committee on Natural Resources and Environment, a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2254, by committee on Veterans Affairs, a bill for an act allowing the issuance of special hunting licenses to certain nonresident disabled veterans and members of the armed forces serving on active federal service.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2255, by committee on Economic Growth/Rebuild Iowa, a bill for an act establishing a self-employment assistance program for recipients of unemployment compensation benefits and providing a termination date.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2256, by committee on Transportation, a bill for an act relating to the noise limit applicable to motor vehicle mufflers and making a penalty applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2257, by committee on Transportation, a bill for an act relating to requirements for motorists approaching certain stationary vehicles on the highway, and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3185 Ways and Means

Providing a sales tax exemption for the sale of certain items to a substance abuse treatment provider.

SSB 3186 Ways and Means

Relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes, and sales of tangible personal property and services to the state.

SUBCOMMITTEE ASSIGNMENTS

SSB 3185

WAYS AND MEANS: Quirmbach, Chair; Chelgren and Mathis

SSB 3186

WAYS AND MEANS: Dotzler, Chair; Feenstra and Jochum

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *SENATE FILE 2251 (SSB 3108), a bill for an act relating to economic development by providing an adjustment to net income for certified suppliers of anchor manufacturers for purposes of state taxation and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sodders, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2251, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2252 (SSB 3118), a bill for an act relating to Iowa's urban renewal law.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sodders, Dotzler, Greiner, Bacon, Bowman, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, 2: Bertrand and Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2252, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2255 (formerly SF 2041), a bill for an act establishing a self-employment assistance program for recipients of unemployment compensation benefits and providing a termination date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Sodders, Dotzler, Bowman, Danielson, Hatch, Horn, Mathis, Rielly, and Wilhelm. Nays, 6: Greiner, Bacon, Bertrand, Chelgren, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2255, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2250 (SSB 3039), a bill for an act relating to planning and service delivery under the purview of the department on aging including the designation of area agencies on aging, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Ragan, Wilhelm, Bolkom, Dotzler, Hatch, Jochum, Mathis, and Quirnbach. Nays, 5: Seymour, Bacon, Boettger, Johnson, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2250, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2137, a bill for an act relating to certain property taxes for joint county-city buildings and including applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirnbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2253 (SSB 3162), a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Black, Hahn, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, and Seng. Nays, none. Absent, 2: Bolkom and Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2253, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 2256 (formerly SF 2079), a bill for an act relating to the noise limit applicable to motor vehicle mufflers and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rielly, Bowman, Beall, Danielson, Dearden, Dvorsky, Hahn, Hancock, Houser, and McCoy. Nays, 3: Kapucian, Ernst, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2256, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2257 (formerly SF 2091), a bill for an act relating to requirements for motorists approaching certain stationary vehicles on the highway, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2257, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: *SENATE FILE 2254 (formerly SF 2076), a bill for an act allowing the issuance of special hunting licenses to certain nonresident disabled veterans and members of the armed forces serving on active federal service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on Senate File 2254, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: HOUSE FILE 2150, a bill for an act updating the Code references to the Internal Revenue Code, and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 22, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2120 – Relating to the practice of optometry.

Senate File 2086 – Relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

EDUCATION

Rachel Nesheim – Iowa Higher Education Loan Authority

JUDICIARY

David Lorenzen – Iowa Law Enforcement Academy Council

AMENDMENT FILED

S-5020 S.F. 2217 Joe Bolcom

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 23, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Dr. Reverend Cathleen Bascom of the Cathedral Church of St. Paul in Des Moines, Iowa. She was the guest of Senator Hatch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Katie Jaeschke.

The Journal of Wednesday, February 22, 2012, was approved.

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that **House File 2150** be placed on the **Unfinished Business Calendar**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:11 a.m. until 1:00 p.m., Monday, February 27, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition.

Chief Merle Clemen, Dyersville—For ten years of outstanding service as Dyersville Fire Chief. Senator Hancock (2/23/12).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, February 23, 2012, 9:30 a.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Passed SFs 2042 and 2072 and HF 2168. Approved SSBs 3064, 3066, 3124, 3158, and 3159.

Recessed: 9:35 a.m.

Reconvened: 10:45 a.m.

Adjourned: 12:20 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 23, 2012, 1:45 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Confirmed governor's appointees. Passed SF 2215 as amended and SF 2222. Approved SSB 3178 as amended and SSB 3110.

Recessed: 1:50 p.m.

Reconvened: 2:35 p.m.

Adjourned: 3:05 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 23, 2012, 11:00 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Presentations on online academies and internet schools.

Adjourned: 12:30 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 21, 2012, 9:50 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

Members Absent: None.

Committee Business: Passed SF 2101 as amended. Approved SSB 3079. Approved SSBs 3039, 3040, 3136, and 3149 as amended.

Adjourned: 11:05 a.m.

ALSO:

Convened: Thursday, February 23, 2012, 11:10 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

Members Absent: None.

Committee Business: Passed SF 2180 as amended. Approved SSBs 3137 and 3152 as amended.

Adjourned: 11:25 a.m.

JUDICIARY

Convened: Thursday, February 23, 2012, 12:30 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Sodders, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed SF 2229. Approved SSBs 3154 and 3177. Passed SFs 380 and 335 as amended. Approved SSBs 3028 and 3135 as amended.

Recessed: 12:35 p.m.

Reconvened: 1:25 p.m.

Adjourned: 1:45 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 23, 2012, 9:05 a.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Approved SSBs 3001, 3049, and 3052.

Adjourned: 9:35 a.m.

STATE GOVERNMENT

Convened: Wednesday, February 22, 2012, 1:40 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders.

Members Absent: None.

Committee Business: Passed SFs 27, 2089, 2108, and 2204. Approved SSBs 3021, 3078, 3090, 3095, 3114, 3163, 3164, 3168, 3170, 3176, and 3179.

Recessed: 3:00 p.m.

Reconvened: 5:40 p.m.

Adjourned: 9:30 p.m.

TRANSPORTATION

Convened: Thursday, February 23, 2012, 11:05 a.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, McCoy, and Zaun.

Members Absent: Houser (excused).

Committee Business: Passed SFs 2003 and 2093.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 112, by Bartz, Feenstra, Hahn, Kettering, Ernst, Anderson, Zaun, Behn, Kapucian, Seymour, Dix, McKinley, Bacon, Chelgren, Whitver, Greiner, Sorenson, Bertrand, Johnson, Ward, Smith, Boettger, Seng, Hancock, and Rielly, a resolution supporting the tradition of youth involvement in family farming and opposing federal labor regulations to the contrary.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 113, by Danielson, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2258, by committee on Education, a bill for an act establishing an internet site to distribute information regarding internship opportunities in Iowa.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2259, by committee on Judiciary, a bill for an act prohibiting employment discrimination based on unemployment status and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2260, by committee on Judiciary, a bill for an act revising the Iowa nonprofit corporation Act.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2261, by Chelgren, a bill for an act providing education savings grants for pupils attending a public school or an accredited nonpublic school or receiving competent private

instruction, establishing an education savings grant fund, providing for the establishment of education achievement standards, making appropriations, providing penalties, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2262, by committee on State Government, a bill for an act relating to the Iowa health care coverage partnership program and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2263, by committee on State Government, a bill for an act relating to fire protection and emergency medical services, including tax credits, service charges, and applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2264, by committee on State Government, a bill for an act concerning public construction bidding by establishing a pilot program for alternative project delivery processes for certain public projects and utilizing alternative selection procedures for certain professional services and making an appropriation.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2265, by committee on Judiciary, a bill for an act providing for notarial acts, providing for fees, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2266, by committee on Local Government, a bill for an act providing that a county enterprise includes natural gasworks.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2267, by committee on Education, a bill for an act concerning oversight of schools offering postsecondary educational

programs by the college student aid commission and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2268, by committee on Education, a bill for an act establishing the creating outstanding instructional leaders pilot program for school districts, making an appropriation, and including a repeal date.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3187 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions.

SSB 3188 Appropriations

Relating to the types of containers included under the beverage container control laws and the reimbursement amount paid by a distributor for empty beverage containers and making appropriations.

SSB 3189 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the general fund of the state, and providing for related matters.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2162
(Reassigned)

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Bertrand and Mathis

Senate File 2246

STATE GOVERNMENT: Danielson, Chair; Chelgren and Jochum

SSB 3187

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

SSB 3188

APPROPRIATIONS: Bolkcom, Chair; Hogg and Houser

SSB 3189

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

FINAL COMMITTEE REPORTS OF BILL ACTION**EDUCATION**

Bill Title: SENATE FILE 2258 (SSB 3166), a bill for an act establishing an internet site to distribute information regarding internship opportunities in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2267 (SSB 3167), a bill for an act concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, 1: Johnson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2267, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2268 (formerly SF 2087), a bill for an act establishing the creating outstanding instructional leaders pilot program for school districts, making an appropriation, and including a repeal date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2268, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2259 (formerly SF 2028), a bill for an act prohibiting employment discrimination based on unemployment status and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Fraise, Hogg, Dvorsky, Horn, Jochum, Quirnbach, and Soddors. Nays, 6: Boettger, Dix, Hancock, Sorenson, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2259, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2260 (SSB 3126), a bill for an act revising the Iowa nonprofit corporation Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2260, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2265 (SSB 3133), a bill for an act providing for notarial acts, providing for fees, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2265, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 2266 (SSB 3096), a bill for an act providing that a county enterprise includes natural gasworks.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirnbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2266, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2262 (formerly SF 2108), a bill for an act relating to the Iowa health care coverage partnership program and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Soddors. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2263 (SSB 3179), a bill for an act relating to fire protection and emergency medical services, including tax credits, service charges, and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2264 (SSB 3168), a bill for an act concerning public construction bidding by establishing a pilot program for alternative project delivery processes for certain public projects and utilizing alternative selection procedures for certain professional services and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Danielson, Kibbie, Bertrand, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 5: Sorenson, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Robert Riley, Jr. – Board of Iowa Innovation Corporation
Jamie Zanius – Board of Iowa Innovation Corporation

AMENDMENT FILED

S-5021 S.F. 2058 Matt McCoy

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 27, 2012

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nina Liu.

The Journal of Thursday, February 23, 2012, was approved.

The Senate stood at ease at 1:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2092, 2096, 2097, and 2100.

Senate File 2092

On motion of Senator Hancock, **Senate File 2092**, a bill for an act relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2092), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2096

On motion of Senator Quirmbach, **Senate File 2096**, a bill for an act relating to reimbursements for certain state prisoners confined in a county jail, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2096), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour

Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2097

On motion of Senator Ragan, **Senate File 2097**, a bill for an act relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions, was taken up for consideration.

Senator Ragan offered amendment S-5007, filed by her on February 6, 2012, to page 2 of the bill, and moved its adoption.

Amendment S-5007 was adopted by a voice vote.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2097), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson

Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2100

On motion of Senator Hogg, **Senate File 2100**, a bill for an act relating to the nomination and appointment of district judges and associate juvenile judges, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **Senate File 2100** be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2111.

Senate File 2111

On motion of Senator Sodders, **Senate File 2111**, a bill for an act relating to crime victims, including restitution plan hearings, crime victim compensation, and the identity theft passport program, was taken up for consideration.

Senator Whitver offered amendment S-5008, filed by him on February 6, 2012, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5008 lost by a voice vote.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2111), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2092, 2096, 2097, and 2111** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:33 p.m. until 3:30 p.m.

RECONVENED

The Senate reconvened at 3:48 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2113, 2121, 2122, 2123, and 2127.

Senate File 2113

On motion of Senator Schoenjahn, **Senate File 2113**, a bill for an act relating to the identification of owners of blinds and stands for hunting deer and making penalties applicable, was taken up for consideration.

Senator Schoenjahn offered amendment S-5017, filed by him on February 20, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5017 was adopted by a voice vote.

Senator Chelgren asked and received unanimous consent that action on **Senate File 2113** be **deferred**.

Senate File 2121

On motion of Senator Horn, **Senate File 2121**, a bill for an act relating to the title of the office of citizens' aide, was taken up for consideration.

Senator Horn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2121), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2122

On motion of Senator Horn, **Senate File 2122**, a bill for an act exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms, was taken up for consideration.

Senator Horn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2122), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2123

On motion of Senator Quirnbach, **Senate File 2123**, a bill for an act making changes to the controlled substance schedules, and making penalties applicable, was taken up for consideration.

Senator Quirnbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2123), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2127

On motion of Senator Kettering, **Senate File 2127**, a bill for an act relating to matters under the purview and authority of the professional licensing and regulation bureau of the banking division of the department of commerce, was taken up for consideration.

Senator Kettering offered amendment S-5009, filed by him on February 8, 2012, to page 9 of the bill, and moved its adoption.

Amendment S-5009 was adopted by a voice vote.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2127), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng

Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2121, 2122, 2123, and 2127** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2146, 2153, 2159, and 2163.

Senate File 2146

On motion of Senator Bowman, **Senate File 2146**, a bill for an act relating to meeting requirements for rural water districts, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2146), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour

Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2159

On motion of Senator Dotzler, **Senate File 2159**, a bill for an act relating to child support enforcement including protection of child support information, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2159), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2153

On motion of Senator Rielly, **Senate File 2153**, a bill for an act increasing the size of the commercial and industrial highway network, was taken up for consideration.

Senator Bertrand offered amendment S-5026, filed by Senators Bertrand and Anderson from the floor to page 1 and amending the title page of the bill.

Senator Rielly raised the point of order that amendment S-5026 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5026 out of order.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2153), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Quirnbach
Bacon	Dearden	Hogg	Ragan
Bartz	Dix	Horn	Rielly
Beall	Dotzler	Houser	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Bertrand	Ernst	Johnson	Seymour
Black	Fraise	Kapucian	Smith
Boettger	Greiner	Kettering	Sodders
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	Mathis	Whitver
Chelgren	Hamerlinck	McCoy	Wilhelm
Courtney	Hancock	McKinley	Zaun

Nays, 2:

Feenstra	Sorenson
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 4:21 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:36 p.m., President Kibbie presiding.

Senate File 2163

On motion of Senator Jochum, **Senate File 2163**, a bill for an act relating to an exception from state certification for adult day services programs, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2163), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2146, 2153, 2159, and 2163** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2164, 2165, 2212, 2219, and 2226.

Senate File 2164

On motion of Senator Dotzler, **Senate File 2164**, a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2164), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2165

On motion of Senator Dotzler, **Senate File 2165**, a bill for an act relating to the documentation required to prepare a notice of alleged

paternity and support debt in administrative paternity proceedings, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2165), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2212

On motion of Senator Sodders, **Senate File 2212**, a bill for an act relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2212), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2219

On motion of Senator Wilhelm, **Senate File 2219**, a bill for an act relating to the continuation of the Iowa early intervention block grant program and including effective date provisions, was taken up for consideration.

Senator Hamerlinck offered amendment S-5023, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Dvorsky raised the point of order that amendment S-5023 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5023 out of order.

(Senate File 2219 was deferred.)

The Senate stood at ease at 5:13 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:23 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2219, previously deferred.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2219), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2226

On motion of Senator Wilhelm, **Senate File 2226**, a bill for an act creating the manufactured housing program fund, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2226** be **deferred**.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Rachel Nesheim, Iowa Higher Education Loan Authority

Robert Riley, Jr., Board of Iowa Innovation Corporation
 Jamie Zanios, Board of Iowa Innovation Corporation

Anita Guthrie, Iowa Law Enforcement Academy Council
 David Lorenzen, Iowa Law Enforcement Academy Council

Gene Beach, Vision Iowa Board
 James Cornett (Appointment & Reappointment), Vision Iowa Board
 Craig Johnson, Vision Iowa Board
 David Odekirk, Vision Iowa Board
 Tammy Robinson, Vision Iowa Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2164, 2165, 2212, and 2219** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2113

The Senate resumed consideration of **Senate File 2113**, a bill for an act relating to the identification of owners of blinds and stands for hunting deer and making penalties applicable, previously deferred.

Senator Chelgren offered amendment S-5027, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Dearden raised the point of order that amendment S-5027 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5027 out of order.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2113), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2113** be **immediately messaged** to the House.

President Pro Tempore Danielson took the chair at 5:48 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2126.

Senate File 2126

On motion of Senator Kibbie, **Senate File 2126**, a bill for an act providing for the funding of the duties of the state's social security administrator, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2126), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm

Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2126** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:52 p.m. until 9:00 a.m., Tuesday, February 28, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Final Report on Cost Comparison of Alternative Fleet Vehicle Provision Methods, pursuant to 2011 Iowa Acts, HF 646. Report received on February 24, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Barb Block, Ocheyedan—In recognition of her many years of service to the voters of Osceola County as a dedicated election official. Senator Johnson (2/27/12).

Jane Bursleson, Fort Dodge—For her community leadership and service, including serving as Fort Dodge's longest-serving City Council member. Senator Beall (2/27/12).

Elnora Dirks, Ocheyedan—In recognition of her many years of service to the voters of Osceola County as a dedicated election official. Senator Johnson (2/27/12).

Sally Pedley, Ocheyedan—In recognition of her many years of service to the voters of Osceola County as a dedicated election official. Senator Johnson (2/27/12).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

Five seniors from Walnut Creek Campus Alternative School, West Des Moines, accompanied by Carrie Jacobs. Senators Beall, Ward, and Zaun.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, February 27, 2012, 2:35 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Approved SSBs 3173 and 3175.

Recessed: 2:40 p.m.

Reconvened: 3:20 p.m.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILLS

Senate File 2269, by committee on Agriculture, a bill for an act relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2270, by committee on Human Resources, a bill for an act relating to the state comprehensive Alzheimer's disease response strategy.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2271, by committee on State Government, a bill for an act relating to the licensure of ambulatory surgical centers, providing fees and penalties, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2272, by committee on State Government, a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2273, by committee on State Government, a bill for an act providing for the licensing of polysomnographic technologists and providing for a penalty.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2274, by committee on State Government, a bill for an act providing for the licensure of persons who install and maintain solar thermal systems and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2275, by committee on State Government, a bill for an act authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2276, by committee on State Government, a bill for an act concerning persons voluntarily excluded from gambling facilities and providing an appropriation.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2277, by committee on State Government, a bill for an act concerning the authority of a liquor control licensee to keep certain mixed drinks or cocktails on the licensed premises.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2278, by committee on State Government, a bill for an act establishing a public safety training and equipment trust fund and providing for appropriations of moneys in the fund.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2279, by committee on Commerce, a bill for an act relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, superintendent management authority, individual development accounts held at credit unions and other financial institutions, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2280, by committee on Commerce, a bill for an act relating to boiler inspections.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2281, by committee on Natural Resources and Environment, a bill for an act relating to pollution prevention and waste management assistance.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2282, by committee on Natural Resources and Environment, a bill for an act concerning the definitions of “all-terrain vehicle” and “off-road utility vehicle” for purposes of provisions administered by the department of natural resources.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2283, by committee on Natural Resources and Environment, a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2284, by committee on Education, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2285, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2286, by committee on Commerce, a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2287, by committee on Economic Growth/Rebuild Iowa, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2288, by committee on Transportation, a bill for an act relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2289, by committee on Human Resources, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2290, by committee on Agriculture, a bill for an act relating to persons who are no longer authorized to operate as commercial breeders, and providing for penalties.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2291, by committee on State Government, a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit and including applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2292, by committee on Local Government, a bill for an act to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2293, by committee on Commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2294, by committee on Commerce, a bill for an act relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2295, by committee on Judiciary, a bill for an act modifying the periods of time to bring civil and criminal actions relating to the sexual abuse of minors.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2296, by committee on Judiciary, a bill for an act relating to the criminal offense of solicitation to commit murder and providing a penalty.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2297, by committee on Judiciary, a bill for an act establishing the criminal offense of sexual abuse in the fourth degree, making related changes to sexual abuse in the third degree, providing penalties, and including retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2298, by committee on State Government, a bill for an act relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2299, by committee on State Government, a bill for an act relating to government operations and efficiency and other related matters and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENT

Senate File 2261

EDUCATION: Hogg, Chair; Beall and Feenstra

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2269 (formerly SF 2152), a bill for an act relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2290 (formerly SF 2073), a bill for an act relating to persons who are no longer authorized to operate as commercial breeders, and providing for penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Johnson, Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, 2: Fraise and Courtney. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2290, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2042, a bill for an act providing for the establishment of the Iowa health benefit marketplace and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 9: McCoy, Rielly, Beall, Bolkcom, Courtney, Mathis, Schoenjahn, Seng, and Wilhelm. Nays, 5: Anderson, Bertrand, Feenstra, Ward, and Zaun. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2279 (SSB 3124), a bill for an act relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, superintendent management authority, individual development accounts held at credit unions and other financial institutions, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2279, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2280 (SSB 3158), a bill for an act relating to boiler inspections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2280, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2286 (formerly SF 2072), a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McCoy, Rielly, Beall, Bolkcom, Feenstra, Mathis, Schoenjahn, Ward, Wilhelm, and Zaun. Nays, 3: Anderson, Bertrand, and Seng. Absent, 2: Courtney and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2286, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2168, a bill for an act relating to the authorized deposit of public funds.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5024.

Final Vote: Ayes, 14: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2293 (SSB 3066), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McCoy, Anderson, Beall, Bertrand, Bolkcom, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, 2: Rielly and Feenstra. Absent, 2: Courtney and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2293, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2294 (SSB 3064), a bill for an act relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2294, and they were attached to the committee report.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: SENATE FILE 2287 (formerly SF 2222), a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 2284 (SSB 3171), a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2284, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2270 (SSB 3149), a bill for an act relating to the state comprehensive Alzheimer's disease response strategy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2270, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2289 (formerly SF 2180), a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2289, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2285 (SSB 3153), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2295 (formerly SF 2229), a bill for an act modifying the periods of time to bring civil and criminal actions relating to the sexual abuse of minors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2296 (SSB 3154), a bill for an act relating to the criminal offense of solicitation to commit murder and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2297 (SSB 3177), a bill for an act establishing the criminal offense of sexual abuse in the fourth degree, making related changes to sexual abuse in the third degree, providing penalties, and including retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Fraise, Hogg, Boettger, Dvorsky, Hancock, Horn, Jochum, and Quirmbach. Nays, 5: Dix, Soddors, Sorenson, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2292 (SSB 3180), a bill for an act to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Quirmbach, Rielly, and Schoenjahn. Nays, 2: Ernst and Hamerlinck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2281 (SSB 3049), a bill for an act relating to pollution prevention and waste management assistance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2281, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2282 (SSB 3001), a bill for an act concerning the definitions of "all-terrain vehicle" and "off-road utility vehicle" for purposes of provisions administered by the department of natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2282, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2283 (SSB 3052), a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2283, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *SENATE FILE 2271 (SSB 3021), a bill for an act relating to the licensure of ambulatory surgical centers, providing fees and penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2271, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2272 (SSB 3170), a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2272, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2273 (SSB 3114), a bill for an act providing for the licensing of polysomnographic technologists and providing for a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2273, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2274 (formerly SF 27), a bill for an act providing for the licensure of persons who install and maintain solar thermal systems and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, 2: Dix and Feenstra. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2274, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2275 (SSB 3164), a bill for an act authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Danielson, Kibbie, Sorenson, Bertrand, Dearden, Dix, Fraise, Horn, Jochum, McCoy, and Sodders. Nays, 4: Chelgren, Feenstra, Hatch, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2275, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2276 (SSB 3163), a bill for an act concerning persons voluntarily excluded from gambling facilities and providing an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2276, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2277 (formerly SF 2089), a bill for an act concerning the authority of a liquor control licensee to keep certain mixed drinks or cocktails on the licensed premises.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Hatch, Horn, Jochum, and Smith. Nays, 3: Fraise, McCoy, and Soddors. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2277, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2278 (formerly SF 2204), a bill for an act establishing a public safety training and equipment trust fund and providing for appropriations of moneys in the fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Soddors. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2278, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2291 (SSB 3095), a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Danielson, Kibbie, Bertrand, Chelgren, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 4: Sorenson, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2291, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2298 (SSB 3078), a bill for an act relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2298, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2299 (SSB 3176), a bill for an act relating to government operations and efficiency and other related matters and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2299, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2003, a bill for an act providing for the use of flashing white lights on motor vehicles owned by certain on-call health care professionals, and making a penalty applicable.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, and McCoy. Nays, 1: Zaun. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2288 (formerly SF 2093), a bill for an act relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, McCoy, and Zaun. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PROOF OF PUBLICATION
(Senate File 2292)

Published copy of Senate File 2292 and verified proof of publication of said bill in The Des Moines Register, a daily newspaper printed and published by Tribune Company, in the City of Des Moines, Polk County, Iowa, on February 1, 2012, was filed with the Secretary of the Senate on February 27, 2012, in accordance with Iowa Code section 585.1.

AMENDMENTS FILED

S-5022	S.F.	2169	Brad Zaun Joni Ernst Kent Sorenson Nancy J. Boettger Robert Bacon Pat Ward Mark Chelgren Jack Whitver David Johnson James A. Seymour Paul McKinley
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			Steve Kettering
			James F. Hahn
			Randy Feenstra
S-5023	S.F.	2219	Shawn Hamerlinck
S-5024	H.F.	2168	Commerce
S-5025	S.F.	2169	Robert Bacon
S-5026	S.F.	2153	Rick Bertrand
			Bill Anderson
S-5027	S.F.	2113	Mark Chelgren
S-5028	S.F.	2226	Thomas G. Courtney

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 28, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Reverend Nathan Sherill, pastor of the St. Paul Lutheran Church in Council Bluffs, Iowa. He was the guest of Senator Houser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachel Mortimer.

The Journal of Monday, February 27, 2012, was approved.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the following committees:

S.F.	2224	Ways and Means
S.F.	2251	Ways and Means
S.F.	2252	Ways and Means
S.F.	2254	Natural Resources and Environment
S.F.	2263	Ways and Means
S.F.	2264	Appropriations
S.F.	2271	Ways and Means
S.F.	2272	Ways and Means
S.F.	2276	Appropriations
S.F.	2278	Appropriations
S.F.	2291	Ways and Means

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:52 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2247, 2242, 2237, 2232, and 2231.

Senate File 2247

On motion of Senator Hatch, **Senate File 2247**, a bill for an act relating to terminology changes in Iowa Code references to mental retardation, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2247), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

Senate File 2242

On motion of Senator Jochum, **Senate File 2242**, a bill for an act relating to children in out-of-home placements in accordance with a court order, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2242), the vote was:

Yeas, 49:

Anderson	Dearden	Horn	Schoenjahn
Bacon	Dix	Houser	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hogg	Rielly	

Nays, none.

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2237

On motion of Senator Danielson, **Senate File 2237**, a bill for an act concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2237), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2232

On motion of Senator Horn, **Senate File 2232**, a bill for an act relating to certain multiple driving-related convictions involving one event or occurrence of driving, was taken up for consideration.

Senator Horn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2232), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2231

On motion of Senator Fraise, **Senate File 2231**, a bill for an act relating to the practices and procedures of the state public defender, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2231), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver

Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2231, 2232, 2237, 2242, and 2247** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2221, 2220, 2208, 2203, 2202, and 2188.

Senate File 2221

On motion of Senator Dvorsky, **Senate File 2221**, a bill for an act requiring background checks for school bus drivers and making penalties applicable, was taken up for consideration.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2221), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson

Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2220

On motion of Senator Beall, **Senate File 2220**, a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2220), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2208

On motion of Senator Fraise, **Senate File 2208**, a bill for an act relating to the confidentiality of an arrest warrant, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2208), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2203

On motion of Senator Whitver, **Senate File 2203**, a bill for an act relating to nonsubstantive Code corrections and including effective date provisions, was taken up for consideration.

Senator Whitver offered amendment S-5016, filed by the committee on Judiciary on February 16, 2012, to pages 1, 40, and 120 of the bill, and moved its adoption.

Amendment S-5016 was adopted by a voice vote.

Senator Whitver moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2203), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2202

On motion of Senator Kettering, **Senate File 2202**, a bill for an act relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions, was taken up for consideration.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2202), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders

Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2188

On motion of Senator Wilhelm, **Senate File 2188**, a bill for an act relating to the renewal period for foster care licensing, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2188), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2188, 2202, 2203, 2208, 2220, and 2221** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2166** be referred from the Regular Calendar to the committee on **Ways and Means**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2185, 2174, and 2172.

Senate File 2185

On motion of Senator Seymour, **Senate File 2185**, a bill for an act relating to the supervision of physician assistants, was taken up for consideration.

Senator Seymour moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2185), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm

Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2174

On motion of Senator Jochum, **Senate File 2174**, a bill for an act relating to the regulation of persons offering occupational therapy services and making penalties applicable, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2174), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore Danielson took the chair at 11:48 a.m.

Senate File 2172

On motion of Senator Kibbie, **Senate File 2172**, a bill for an act relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable, was taken up for consideration.

Senator Kibbie offered amendment S-5019, filed by him on February 20, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5019 was adopted by a voice vote.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2172), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Behn	Feenstra	Kapucian	Sodders
Bertrand	Fraise	Kettering	Sorenson
Black	Greiner	Kibbie	Ward
Boettger	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, 1:

Bolkcom

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kibbie took the chair at 11:56 a.m.

UNFINISHED BUSINESS
(Deferred January 25, 2012)

House File 589

The Senate resumed consideration of **House File 589**, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies, and amendment S-5004, deferred January 25, 2012.

Senator Hogg offered amendment S-5029, filed by him from the floor to pages 1-2 of amendment S-5004, and moved its adoption.

Amendment S-5029 to amendment S-5004 lost by a voice vote.

Senator McCoy offered amendment S-5030, filed by him from the floor to pages 1-2 and amending the title provisions of amendment S-5004, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5030 to amendment S-5004 be adopted?" (H.F. 589), the vote was:

Yeas, 8:

Bolkcom	Dotzler	Hatch	McCoy
Danielson	Dvorsky	Jochum	Quirmbach

Nays, 42:

Anderson	Dearden	Horn	Seng
Bacon	Dix	Houser	Seymour
Bartz	Ernst	Johnson	Smith
Beall	Feenstra	Kapucian	Sodders
Behn	Fraise	Kettering	Sorenson
Bertrand	Greiner	Kibbie	Ward
Black	Gronstal	Mathis	Whitver
Boettger	Hahn	McKinley	Wilhelm
Bowman	Hamerlinck	Ragan	Zaun
Chelgren	Hancock	Rielly	
Courtney	Hogg	Schoenjahn	

Absent, none.

Amendment S-5030 to amendment S-5004 lost.

Senator Seng moved the adoption of amendment S-5004.

Amendment S-5004 was adopted by a voice vote.

With the adoption of amendment S-5004, the Chair ruled the following amendments out of order:

S-3193, filed by Senator McCoy on March 31, 2011, to page 1 and amending the title page of the bill;

S-3195, filed by Senator McCoy on March 31, 2011, to page 1 of the bill;

S-3199, filed by Senator McCoy on March 31, 2011, to page 1 and amending the title page of the bill;

S-3200, filed by Senator McCoy on March 31, 2011, to page 1 of the bill;

S-3201, filed by Senator McCoy on March 31, 2011, to page 1 and amending the title page of the bill;

S-3202, filed by Senator McCoy on March 31, 2011, to page 1 of the bill;

S-3205, filed by Senator McCoy on March 31, 2011, to page 1 and amending the title page of the bill;

S-3206, filed by Senator McCoy on March 31, 2011, to page 1 and amending the title page of the bill;

S-3208, filed by Senator McCoy on March 31, 2011, to page 1 of the bill;

S-3209, filed by Senator McCoy on March 31, 2011, to page 1 of the bill;

S-3192, filed by Senator McCoy on March 31, 2011, to pages 1-6 and 11 of the bill;

S-3197, filed by Senator McCoy on March 31, 2011, to page 5 of the bill;

S-3198, filed by Senator McCoy on March 31, 2011, to page 7 of the bill;

S-3194, filed by Senator McCoy on March 31, 2011, to page 11 and amending the title page of the bill;

S-3196, filed by Senator McCoy on March 31, 2011, to page 11 and amending the title page of the bill;

S-3203, filed by Senator McCoy on March 31, 2011, to page 11 and amending the title page of the bill; and

S-3204, filed by Senator McCoy on March 31, 2011, to page 11 and amending the title page of the bill.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 589), the vote was:

Yeas, 40:

Anderson	Courtney	Hancock	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Ernst	Johnson	Smith
Behn	Feenstra	Kapucian	Sodders
Bertrand	Fraise	Kettering	Sorenson
Black	Greiner	Kibbie	Ward
Boettger	Gronstal	McKinley	Whitver
Bowman	Hahn	Ragan	Wilhelm
Chelgren	Hamerlinck	Rielly	Zaun

Nays, 10:

Bolkcom	Dvorsky	Jochum	Quirnbach
Danielson	Hatch	Mathis	
Dotzler	Hogg	McCoy	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2150.

House File 2150

On motion of Senator Jochum, **House File 2150**, a bill for an act updating the Code references to the Internal Revenue Code, and including effective date and retroactive applicability provisions, placed on the Unfinished Business Calendar on February 23, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2150), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2172, 2174, and 2185** and **House Files 589 and 2150** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2217.

Senate File 2217

On motion of Senator Hogg, **Senate File 2217**, a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of

certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions, was taken up for consideration.

Senator Hogg offered amendment S-5032, filed by Senators Hogg and Dix from the floor to pages 2, 3, 8, 11, 14, 15, and 17-19 of the bill, and moved its adoption.

Amendment S-5032 was adopted by a voice vote.

Senator Bolkcom offered amendment S-5020, filed by him on February 22, 2012, to pages 7 and 9 of the bill, and moved its adoption.

Amendment S-5020 lost by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2217), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Soddors
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2217** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:16 p.m. until 9:00 a.m., Wednesday, February 29, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

The American Lung Association of Iowa—In recognition of its work in COPD (Chronic Obstructive Pulmonary Disease). Senator Ragan (2/28/12).

INTRODUCTION OF RESOLUTION

Senate Resolution 114, by Zaun, McKinley, Kettering, Sorenson, Boettger, Bacon, Hahn, Ernst, Bertrand, Anderson, Behn, Seymour, Johnson, Whitver, Hamerlinck, Chelgren, Greiner, Kapucian, and Feenstra, a resolution supporting a free, independent, and secure Israel.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2300, by committee on State Government, a bill for an act relating to the authority of cities to regulate and restrict the occupancy of residential rental property.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2301, by committee on Commerce, a bill for an act requiring a commercial breeder of dogs and cats to file evidence of

financial responsibility with the department of agriculture and land stewardship, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2302, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to bidding for purchases through a competitive bidding process by the state or political subdivisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2303, by committee on Agriculture, a bill for an act providing for persons associated with licensed veterinarians, and providing for fees.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2304, by committee on Judiciary, a bill for an act requiring an aggravated misdemeanor to submit a DNA sample and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2305, by committee on Judiciary, a bill for an act relating to civil practice including liability provisions and privacy rights.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2306, by committee on Judiciary, a bill for an act relating to right to cure notices under the consumer credit code.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2307, by committee on Judiciary, a bill for an act relating to the sealing of juvenile delinquency records.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2308, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to economic development by affecting

programs, tax incentives, and project completion and other assistance administered by the economic development authority, by abolishing the film tax credit program, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2309, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2310, by Anderson, a bill for an act providing for donations to the road use tax fund and other related funds and creating an exemption from the computation of the state individual income tax of donations to such funds, and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2311, by committee on Agriculture, a bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johnne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2312, by committee on Human Resources, a bill for an act relating to persons with mental health illnesses and substance-related disorders.

Read first time under Rule 28 and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2166

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Jochum

Senate File 2224

WAYS AND MEANS: McCoy, Chair; Dotzler and Feenstra

Senate File 2251

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Feenstra

Senate File 2252

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Feenstra

Senate File 2254

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Kapucian and Ragan

Senate File 2263

WAYS AND MEANS: Quirnbach, Chair; Black and Chelgren

Senate File 2271

WAYS AND MEANS: McCoy, Chair; Dotzler and Smith

Senate File 2272

WAYS AND MEANS: Jochum, Chair; Anderson and Mathis

Senate File 2291

WAYS AND MEANS: Jochum, Chair; Quirnbach and Smith

Senate File 2310

WAYS AND MEANS: Quirnbach, Chair; Bartz and Hogg

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 2303 (SSB 3148), a bill for an act providing for persons associated with licensed veterinarians, and providing for fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2303, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2311 (SSB 3140), a bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, John's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2311, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2301 (SSB 3159), a bill for an act requiring a commercial breeder of dogs and cats to file evidence of financial responsibility with the department of agriculture and land stewardship, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McCoy, Rielly, Beall, Bolkom, Courtney, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, 4: Anderson, Bertrand, Feenstra, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *SENATE FILE 2302 (formerly SF 2215), a bill for an act relating to bidding for purchases through a competitive bidding process by the state or political subdivisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2302, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2308 (SSB 3110), a bill for an act relating to economic development by affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by abolishing the film tax credit program, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2308, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2309 (SSB 3178), a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Soddors, Dotzler, Bacon, Bowman, Danielson, Hatch, Horn, Mathis, Rielly, and Wilhelm. Nays, 5: Greiner, Bertrand, Chelgren, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 2309, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2312 (SSB 3137), a bill for an act relating to persons with mental health illnesses and substance-related disorders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2312, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2304 (SSB 3028), a bill for an act requiring an aggravated misdemeanor to submit a DNA sample and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Fraise, Hogg, Boettger, Dvorsky, Hancock, Horn, Jochum, Soddors, Ward, and Whitver. Nays, 2: Dix and Sorenson. Present, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2304, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2305 (SSB 3135), a bill for an act relating to civil practice including liability provisions and privacy rights.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Fraise, Hogg, Boettger, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Ward, and Whitver. Nays, 2: Dix and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2305, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2306 (formerly SF 335), a bill for an act relating to right to cure notices under the consumer credit code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2306, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2307 (formerly SF 380), a bill for an act relating to the sealing of juvenile delinquency records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2307, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2300 (SSB 3090), a bill for an act relating to the authority of cities to regulate and restrict the occupancy of residential rental property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2071, the following correction was made:

1. Page 8, line 8: change "subsection 3, paragraph "c"" to "subsection 3 paragraph "b".

MICHAEL E. MARSHALL
Secretary of the Senate

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of February, 2012.

Senate File 2071.

MICHAEL E. MARSHALL
Secretary of the Senate

PROOF OF PUBLICATIONS

(House File 2392)

Published copy of House File 2392 and verified proof of publication of said bill in The Dallas County News, a daily newspaper printed and published in the City of Adel, Dallas County, Iowa, on February 9, 2012, was filed with the Secretary of the Senate on February 28, 2012, in accordance with Iowa Code section 585.1.

(House File 2393)

Published copy of House File 2393 and verified proof of publication of said bill in The Des Moines Register, a daily newspaper printed and published by Tribune Company, in the City of Des Moines, Polk County, Iowa, on February 1, 2012, was filed with the Secretary of the Senate on February 28, 2012, in accordance with Iowa Code section 585.1.

AMENDMENTS FILED

S-5029	H.F.	589	Robert M. Hogg
S-5030	H.F.	589	Matt McCoy
S-5031	S.F.	2225	Daryl Beall

S-5032	S.F.	2217	Robert M. Hogg Bill Dix
S-5033	S.F.	2293	Matt McCoy
S-5034	S.F.	2265	Pam Jochum

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 29, 2012

The Senate met in regular session at 9:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Randy Feenstra, member of the Senate from Sioux County, Hull, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Peggy Osmundson.

The Journal of Tuesday, February 28, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 28, 2012, **passed** the following bill in which the concurrence of the House was asked:

House File 589, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

ALSO: That the House has on February 28, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2335, a bill for an act relating to appropriations to the justice system, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

House File 2336, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

Read first time and referred to committee on **Appropriations**.

House File 2337, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions.

Read first time and referred to committee on **Appropriations**.

House File 2338, a bill for an act relating to appropriations to the judicial branch.

Read first time and referred to committee on **Appropriations**.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2268** be referred from the Regular Calendar to the committee on **Appropriations**.

The Senate stood at ease at 9:18 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:24 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:25 a.m. until the completion of a meeting of the committee on Agriculture.

RECONVENED

The Senate reconvened at 10:52 a.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2265, 2260, 2249, 2248, and 2245.

Senate File 2265

On motion of Senator Jochum, **Senate File 2265**, a bill for an act providing for notarial acts, providing for fees, and including effective date provisions, was taken up for consideration.

Senator Jochum withdrew amendment S-5034, filed by her on February 28, 2012, to page 15 of the bill.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2265), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2260

On motion of Senator Hogg, **Senate File 2260**, a bill for an act revising the Iowa nonprofit corporation Act, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2260), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2249

On motion of Senator Bowman, **Senate File 2249**, a bill for an act relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements, was taken up for consideration.

Senator Bowman offered amendment S-5036, filed by him from the floor to pages 2 and 3 and amending the title page of the bill, and moved its adoption.

Amendment S-5036 was adopted by a voice vote.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2249), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2248

On motion of Senator Ragan, **Senate File 2248**, a bill for an act relating to the licensed professionals authorized to prescribe respiratory care services, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2248), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders

Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2245

On motion of Senator Sodders, **Senate File 2245**, a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2245), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2245, 2248, 2249, 2260, and 2265** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2244 and 2243.

Senate File 2244

On motion of Senator Ragan, **Senate File 2244**, a bill for an act requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2244), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2243

On motion of Senator Jochum, **Senate File 2243**, a bill for an act creating a licensed social worker loan repayment program and a revolving fund, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2243), the vote was:

Yeas, 27:

Anderson	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Bertrand	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	

Nays, 23:

Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Black	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable John Putney, former member of the Senate from Tama County, Gladbrook, Iowa.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2243** and **2244** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:33 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

The Senate stood at ease at 1:11 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 1:21 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2240, 2225, and 2216.

Senate File 2240

On motion of Senator Bowman, **Senate File 2240**, a bill for an act relating to the powers and duties of county treasurers related to real property by modifying provisions for the payment of taxes and assessments in installments, modifying provisions providing for the apportionment of installment payments on delinquent taxes, and modifying certain tax payment provisions following a tax sale, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2240), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2225

On motion of Senator Beall, **Senate File 2225**, a bill for an act relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy, was taken up for consideration.

Senator Beall offered amendment S-5031, filed by him on February 28, 2012, to page 2 of the bill, and moved its adoption.

Amendment S-5031 was adopted by a voice vote.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2225), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng

Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2216

On motion of Senator McCoy, **Senate File 2216**, a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2216), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm

Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2216, 2225, and 2240** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2209, 2186, 2170, and 2011.

Senate File 2209

On motion of Senator Sodders, **Senate File 2209**, a bill for an act prohibiting certain credits for time served while on probation, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2209), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward

Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2186

On motion of Senator Jochum, **Senate File 2186**, a bill for an act relating to medical assistance eligibility for inmates of public institutions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2186), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2170

On motion of Senator Mathis, **Senate File 2170**, a bill for an act relating to service of notice requirements for holders of a property tax sale certificate of purchase, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2170), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2011

On motion of Senator Jochum, **Senate File 2011**, a bill for an act relating to the membership of the statewide interoperable communications system board, with report of committee recommending passage, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2011), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2011, 2170, 2186, and 2209** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:03 p.m. until 9:00 a.m., Thursday, March 1, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF PUBLIC HEALTH

Iowa Direct Care Worker Advisory Council Final Report, pursuant to 2010 Iowa Acts, HF 2526. Report received on February 29, 2012.

OFFICE OF THE GOVERNOR

2011 Report on Reprieves, Commutations, and Pardons, pursuant to the Constitution of the State of Iowa Article IV, section 16. Report received on February 29, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Butch and Margaret Caylor, Chariton—For celebrating their 50th wedding anniversary. Senator McKinley (2/29/12).

Al Chamberlin, Monroe—For celebrating his 90th birthday. Senator McKinley (2/29/12).

Randle and Berneil Chambers, Knoxville—For celebrating their 60th wedding anniversary. Senator McKinley (2/29/12).

Maryetta “Mary” Followill, Knoxville—For celebrating her 80th birthday. Senator McKinley (2/29/12).

Noreen James, Chariton—For celebrating her 96th birthday. Senator McKinley (2/29/12).

Luverne and Dorothy Jansen, Williams—For celebrating their 60th wedding anniversary. Senator Bacon (2/29/12).

Ila Moon, Chariton—For celebrating her 99th birthday. Senator McKinley (2/29/12).

Gene and Louise Narber, Chariton—For celebrating their 50th wedding anniversary. Senator McKinley (2/29/12).

Richard and Norma Rasmussen, Webster City—For celebrating their 65th wedding anniversary. Senator Bacon (2/29/12).

Marjorie Rogers, Chariton—For celebrating her 90th birthday. Senator McKinley (2/29/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 29, 2012, 10:40 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Kapucian, Kibbie, and Rielly.

Members Absent: Houser (excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 10:45 a.m.

EDUCATION

Convened: Wednesday, February 29, 2012, 2:40 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Smith, Sodders, and Wilhelm.

Members Absent: Feenstra and Johnson (both excused).

Committee Business: Presentation by the Education Commission of the States.

Adjourned: 3:35 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 28, 2012, 3:05 p.m.

Members Present: Ragan, Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

Members Absent: Wilhelm, Vice Chair (excused).

Committee Business: Discussion on mental health reform.

Adjourned: 4:10 p.m.

INTRODUCTION OF BILLS

Senate File 2313, by committee on Appropriations, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 2314, by committee on Appropriations, a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for properly related matters.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 3190 Ways and Means

Creating a sales tax exemption for the sales price of furnishing parking facilities services and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2276

APPROPRIATIONS: Danielson, Chair; Dix and Jochum

SSB 3190

WAYS AND MEANS: McCoy, Chair; Bolkcom and Anderson

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2313 (SSB 3173), a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2313, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2314 (SSB 3175), a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for properly related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2314, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2128, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, providing for a repeal, and including applicability and effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5035	S.F.	2160	Mary Jo Wilhelm
S-5036	S.F.	2249	Tod R. Bowman
S-5037	S.F.	2250	Joe Bolkcom

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 6, 2012

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by Reverend Dr. Michael D. Blackwell, pastor of Trinity United Methodist Church in Hazelton, Iowa. He was the guest of Senator Dotzler.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachel Mortimer.

The Journal of Thursday, February 2, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 2, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 93, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

ALSO: That the House has on February 2, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2150, a bill for an act updating the Code references to the Internal Revenue Code, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on February 2, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2001, a joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date.

Read first time and attached to **companion Senate Joint Resolution 2001**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	410	State Government
S.F.	495	Human Resources
S.F.	2024	Appropriations

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:31 p.m. until 9:00 a.m., Tuesday, February 7, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

Report on Educational Organization Dues, Fees, and Revenues, pursuant to Iowa Code sections 279.38 and 279.38A. Report received on February 3, 2012.

STATE BOARD OF TAX REVIEW

2011 Annual Report, pursuant to Iowa Code section 421.1(4f). Report received on February 6, 2012.

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: Wednesday, February 1, 2012, 2:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders.

Members Absent: None.

Committee Business: Approved SSBs 3015, 3016, 3019, and 3057. Discussed governor's appointments.

Recessed: 2:10 p.m.

Reconvened: 2:15 p.m.

Adjourned: 2:30 p.m.

VETERANS AFFAIRS

Convened: Monday, February 6, 2012, 3:20 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders.

Members Absent: Black (excused).

Committee Business: Approved SSB 3127. Approved SSB 3068 as amended.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 1, 2012, 10:15 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by IPERS, the Department of Revenue, the Department of Public Health, and the Department of Public Safety.

Adjourned: 11:15 a.m.

ALSO:

Convened: Thursday, February 2, 2012, 10:15 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by the Department of Management and the Secretary of State.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, February 1, 2012, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Safety Net Providers and the Iowa Food Bank Association.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 2, 2012, 10:20 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Budget presentations.

Adjourned: 11:45 a.m.

INTRODUCTION OF BILLS

Senate File 2127, by committee on Commerce, a bill for an act relating to matters under the purview and authority of the professional licensing and regulation bureau of the banking division of the department of commerce.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2128, by Beall, Mathis, Wilhelm, Quirmbach, Schoenjahn, Seng, Bertrand, Bolkcom, Dvorsky, Dotzler, Danielson, Hatch, Horn, Dearden, Fraise, Soddors, Kibbie, Black, Jochum, Ragan, and Anderson, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, providing for a repeal, and including applicability and effective date provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2129, by Dotzler, a bill for an act concerning the rights of parties to private and public construction contracts and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 2130, by Hogg, a bill for an act providing for the development of a state renewable energy economic development plan.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2131, by Soddors, a bill for an act requiring a study and report on the establishment of a posttraumatic stress dual diagnosis treatment program at the Iowa veterans home.

Read first time under Rule 28 and referred to committee on **Human Resources**.

STUDY BILLS RECEIVED

SSB 3130 Appropriations

Relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

SSB 3131 Ways and Means

Relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2083

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Smith

Senate File 2099

WAYS AND MEANS: Hogg, Chair; Chelgren and Quirmbach

Senate File 2109

JUDICIARY: Hogg, Chair; Dvorsky and Ward

House File 2103

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Courtney and Ward

House File 2104

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dotzler and Ward

SSB 3130

APPROPRIATIONS: Hogg, Chair; Dix and Dvorsky

SSB 3131

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

FINAL COMMITTEE REPORT OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 2127 (SSB 3067), a bill for an act relating to matters under the purview and authority of the professional licensing and regulation bureau of the banking division of the department of commerce.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: McCoy, Rielly, Anderson, Beall, Kettering, Mathis, Schoenjahn, Seng, and Wilhelm. Nays, none. Absent, 6: Bertrand, Bolkcom, Courtney, Feenstra, Ward, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5007	S.F.	2097	Amanda Ragan
S-5008	S.F.	2111	Jack Whitver

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 7, 2012

The Senate met in regular session at 9:01 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ron Burcham of Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Peggy Osmundson.

The Journal of Monday, February 6, 2012, was approved.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:32 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she arrives, on request of Senator Behn.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2114 and 2115.

Senate File 2114

On motion of Senator Quirmbach, **Senate File 2114**, a bill for an act relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2114), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2115

On motion of Senator Quirmbach, **Senate File 2115**, a bill for an act relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2115), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2114** and **2115** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:56 a.m. until 9:00 a.m., Wednesday, February 8, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Implementation Status Report Regarding the Mental Health Services System for Children, Youth, and their Families, pursuant to Iowa Code section 225C.54(5). Report received on February 7, 2012.

Medicaid Cost Containment Strategies Quarterly Report, pursuant to 2011 Iowa Acts, HF 649, section 10. Report received on February 7, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Timothy William Greene, Audubon—For receiving the 2011 Neal Smith Entrepreneur of the Year Award. Senators Dotzler and Boettger (2/7/12).

Marty Guthmiller, Orange City—For being selected for the Iowa Volunteer Hall of Fame. Senator Feenstra (2/7/12).

Wendy Wright, Sioux City—For receiving the 2011 Deb Dalziel Woman Entrepreneur Achievement Award. Senators Dotzler and Anderson (2/7/12).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 7, 2012, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Bertrand (excused).

Committee Business: Presentation by the Iowa Finance Authority.

Adjourned: 2:50 p.m.

EDUCATION

Convened: Monday, February 6, 2012, 2:25 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, and Wilhelm.

Members Absent: Feenstra and Sodders (both excused).

Committee Business: Presentations by the Iowa Testing Program and the Iowa Test of Basic Skills.

Adjourned: 3:20 p.m.

JUDICIARY

Convened: Tuesday, February 7, 2012, 3:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Sorenson, Ward, and Whitver.

Members Absent: Quirnbach and Sodders (both excused).

Committee Business: Presentation by Results First.

Adjourned: 3:45 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 7, 2012, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed SF 2068. Approved SSB 3051 as amended. Presentation by the Department of Natural Resources.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, February 7, 2012, 10:05 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentation by Iowa Workforce Development.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 7, 2012, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Budget discussion.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 7, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentation by the Iowa Medicaid Enterprise.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 7, 2012, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by Results First and the Department of Human Rights.

Adjourned: 11:30 a.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 101, by Whitver, Chelgren, Smith, Anderson, Bertrand, Feenstra, Sorenson, Kapucian, Greiner, Bartz, Bacon, Boettger, Zaun, Behn, Seymour, Houser, Kettering, Hamerlinck, Ernst, McKinley, Dix, Johnson, Ward, and Hahn, a concurrent resolution urging the members of the Congress of the United States to propose a balanced budget amendment to the

Constitution of the United States for submission to the states for ratification.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2132, by Whitver, a bill for an act relating to the mandatory retirement age of an associate juvenile judge or associate probate judge and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2133, by Whitver, a bill for an act providing an exclusion from the computation of net income for the individual state income tax of qualifying gains receiving capital treatment and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2134, by Seng, a bill for an act making an appropriation for tourism marketing and promotion to the economic development authority.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2135, by Danielson, a bill for an act relating to transportation management services under the medical assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2136, by Danielson, a bill for an act relating to consideration of a minor's wishes in determining custody.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 2137, by Seng, a bill for an act relating to certain property taxes for joint county-city buildings and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 2138, by committee on Veterans Affairs, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2139, by Hatch, a bill for an act relating to economic development by creating rural opportunity zones, a student loan repayment program and fund, an individual income tax credit, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2140, by Chelgren, a bill for an act relating to Iowa's urban renewal law by modifying provisions relating to the duration of urban renewal areas and ordinances providing for a division of revenue, requiring voter approval for ordinances establishing a division of revenue, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2141, by Horn, a bill for an act relating to the operation of motorboats on artificial lakes in the state, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

STUDY BILLS RECEIVED

SSB 3132 Judiciary

Relating to civil actions relating to real estate, including mortgage foreclosure actions.

SSB 3133 Judiciary

Providing for notarial acts and including effective date provisions.

SSB 3134 Judiciary

Relating to nonsubstantive Code corrections and including effective date provisions.

SSB 3135 Judiciary

Relating to civil law and practice including certain insurance and liability provisions and privacy rights.

SSB 3136 Human Resources

Relating to terminology changes in Iowa Code references to mental retardation.

SSB 3137 Human Resources

Relating to persons with mental health illnesses and substance-related disorders.

SSB 3138 Local Government

Relating to the powers and duties of county treasurers related to real property by modifying provisions for the payment of taxes and assessments in installments, modifying provisions providing for the apportionment of installment payments on delinquent taxes, modifying certain tax payment provisions following a tax sale, and specifying procedures for the payment of certain prorated taxes and assessments following a real estate transaction.

SSB 3139 Education

Relating to the elimination of the college student aid commission, the establishment of a college student aid council, and transferring the commission's duties and responsibilities to the state board of education, the state board of regents, and the department of education; making appropriations; providing for related matters; and including effective date provisions.

SSB 3140 Agriculture

Revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions.

SSB 3141 Transportation

Relating to funding for Iowa roads, including by increasing the excise tax on motor fuel and special fuel used in motor vehicles, providing for the use of certain revenues, providing for related studies, evaluations, and reports, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2052**

APPROPRIATIONS: Hatch, Chair; Danielson and Kettering

Senate File 2073

AGRICULTURE: Seng, Chair; Black and Johnson

Senate File 2116

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

Senate File 2132

JUDICIARY: Fraise, Chair; Dvorsky and Whitver

Senate File 2135

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Whitver

Senate File 2136

JUDICIARY: Fraise, Chair; Dvorsky and Ward

SSB 3132

JUDICIARY: Horn, Chair; Hogg and Sorenson

SSB 3133

JUDICIARY: Jochum, Chair; Dix and Quirmbach

SSB 3134

JUDICIARY: Whitver, Chair; Hancock and Hogg

SSB 3135

JUDICIARY: Hogg, Chair; Jochum and Sorenson

SSB 3136

HUMAN RESOURCES: Hatch, Chair; Boettger, Bolkcom, Ragan, and Seymour

SSB 3137

HUMAN RESOURCES: Hatch, Chair; Boettger, Bolkcom, Ragan, and Seymour

SSB 3138

LOCAL GOVERNMENT: Bowman, Chair; Beall and Ernst

SSB 3139

EDUCATION: Quirmbach, Chair; Beall and Feenstra

SSB 3140

AGRICULTURE: Rielly, Chair; Hahn and Hancock

SSB 3141

TRANSPORTATION: Rielly, Chair; McCoy and Kapucian

FINAL COMMITTEE REPORTS OF BILL ACTION

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2068, a bill for an act providing for civil damages for the commission of unlawful acts related to bald eagles.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Bolckcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2138 (SSB 3127), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Dawn Ainger – Economic Development Authority
David Bernstein – Economic Development Authority
John Lisle – Economic Development Authority

Adam Feiges – Iowa Great Places Board
Nick Glew – Iowa Great Places Board
Gerald Schnepf – Iowa Great Places Board

NATURAL RESOURCES AND ENVIRONMENT

Randy Olson – Renewable Fuel Infrastructure Board
Maddison Sieck – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Rhonda Reif – Board of Massage Therapy

Dana McCarthy – Board of Social Work

Neil Nelsen – Board of Social Work

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Debi Durham – Director of the Economic Development Authority

**WITHDRAWAL OF
GOVERNOR'S APPOINTEE**

The following letter from the Governor was received in the office of the Secretary of the Senate on February 7, 2012:

I am writing to withdraw the nomination of Deborah Deere from the city of Ottumwa in Wapello County, Iowa for appointment as a member of the Early Childhood Iowa State Board, pursuant to Iowa Code Section 256I.3. Ms. Deere has changed jobs and is no longer eligible to serve on this board.

Sincerely,
TERRY E. BRANSTAD
Governor

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 8, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jeff Wartgow of First Congregational United Church of Christ in DeWitt, Iowa. He was the guest of Senator Hamerlinck.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Adam Pitts.

The Journal of Tuesday, February 7, 2012, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2138** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:07 a.m. until 9:00 a.m., Thursday, February 9, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lisa Brothers Arbisser, M.D., Davenport—For being selected for the Iowa Volunteer Hall of Fame for outstanding contribution of volunteer service to her community. Senator Smith (2/8/12).

Howard Beebout, Chariton—For celebrating his 95th birthday. Senator McKinley (2/8/12).

Bob Cain, Chariton—For his 50 years of coaching high school football, including 45 years at Chariton High School. Senator McKinley (2/8/12).

Richard and Mary Davis, Chariton—For celebrating their 50th wedding anniversary. Senator McKinley (2/8/12).

The Engineering Program of Lewis Central High School, Council Bluffs—For being selected as a 2011–2012 National Project Lead the Way Model School. Senator Gronstal (2/8/12).

Jean Gass, Dallas—For celebrating her 85th birthday. Senator McKinley (2/8/12).

Evelyn Oxenreider, Chariton—For celebrating her 90th birthday. Senator McKinley (2/8/12).

Donnie Rodgers, Knoxville—For his 65 years with Wells Fargo Bank in Knoxville. Senator McKinley (2/8/12).

Dean Werts, Chariton—For celebrating his 90th birthday. Senator McKinley (2/8/12).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, February 8, 2012, 2:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Boettger (excused).

Committee Business: Presentations by the Department of Education and the Iowa State Education Association.

Adjourned: 2:50 p.m.

LOCAL GOVERNMENT

Convened: Tuesday, February 7, 2012, 4:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Passed HF 524. Approved SSB 3070.

Adjourned: 4:20 p.m.

TRANSPORTATION

Convened: Wednesday, February 8, 2012, 1:10 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 3109 and 3115.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: Wednesday, February 8, 2012, 3:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Approved SSB 3116.

Recessed: 3:05 p.m.

Reconvened: 3:15 p.m.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 7, 2012, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentation by ICN.

Adjourned: 11:40 a.m.

ALSO:

Convened: Wednesday, February 8, 2012, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, February 7, 2012, 10:05 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Presentation by Agren Inc.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 8, 2012, 10:10 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentation by the University of Iowa.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 8, 2012, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by the Board of Regents, University of Iowa, Iowa State University, University of Northern Iowa, Iowa Braille and Sight Saving School, and Iowa School for the Deaf.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, February 8, 2012, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations by the Department of Human Services, Iowa community colleges, Iowa Workforce Development, and the Family Development and Self-Sufficiency Program.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, February 08, 2012, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by LSA.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 7, 2012, 10:05 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Department of Public Safety, the Department of Corrections, the Department of Natural Resources, and the Department of Transportation.

Adjourned: 11:05 a.m.

ALSO:

Convened: Wednesday, February 8, 2012, 10:05 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; and Dvorsky.

Members Absent: Anderson (excused).

Committee Business: Presentation by the Des Moines Social Club.

Adjourned: 11:15 a.m.

INTRODUCTION OF BILLS

Senate File 2142, by committee on Veterans Affairs, a bill for an act creating the hire a hero tax credit and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2143, by Chelgren, a bill for an act relating to the liquidation of the Iowa fund of funds and creating an exemption from the computation of the state individual income tax of income from an equity investment in a qualified Iowa business and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2144, by Chelgren, a bill for an act prohibiting labor unions from knowingly collecting dues from persons not lawfully present in the United States and providing penalties.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 2145, by Whitver, a bill for an act creating a reduction in the individual income tax rates and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2146, by committee on Local Government, a bill for an act relating to meeting requirements for rural water districts.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2147, by Hogg, a bill for an act relating to eligibility for the medical assistance for employed people with disabilities program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2148, by Soddors, a bill for an act creating the manufactured housing program fund.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2149, by McCoy, a bill for an act relating to the criminal transmission of the human immunodeficiency virus and providing a penalty.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2150, by Anderson, a bill for an act relating to the repeal of the state inheritance tax and the state qualified use inheritance tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2151, by Anderson, a bill for an act relating to rental of land within the right-of-way of a primary highway for farming purposes and providing for the allocation of resulting revenue to the primary road fund.

Read first time under Rule 28 and referred to committee on **Transportation**.

STUDY BILLS RECEIVED

SSB 3142 Appropriations

Relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

SSB 3143 Appropriations

Relating to appropriations to the justice system.

SSB 3144 Appropriations

Relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

SSB 3145 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents.

SSB 3146 Judiciary

Relating to the offense of livestock abuse, and providing penalties.

SSB 3147 Judiciary

Amending provisions in the uniform commercial code relating to secured transactions, and including effective date provisions.

SSB 3148 Agriculture

Providing for persons associated with licensed veterinarians, and providing for fees.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2002

APPROPRIATIONS: Dvorsky, Chair; Dix

Senate File 2009

APPROPRIATIONS: Dvorsky, Chair; Dix

Senate File 2024

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

Senate File 2032

APPROPRIATIONS: Dvorsky, Chair; Dix

Senate File 2051

APPROPRIATIONS: Dvorsky, Chair; Dix

Senate File 2118

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Anderson and Dearden

Senate File 2124

STATE GOVERNMENT: Danielson, Chair; Jochem and Sorenson

Senate File 2129

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Courtney and Ward

Senate File 2130

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Greiner and Rielly

Senate File 2133

WAYS AND MEANS: Hogg, Chair; Feenstra and Quirmbach

Senate File 2140

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

Senate File 2141

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Black and Kapucian

Senate File 2143

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Zaun

House File 2150

WAYS AND MEANS: Jochum, Chair; Dotzler and Feenstra

SSB 3142

APPROPRIATIONS: Black, Chair; Dvorsky and Houser

SSB 3143

APPROPRIATIONS: Fraise, Chair; Dvorsky and Seymour

SSB 3144

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

SSB 3145

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

SSB 3146

JUDICIARY: Hogg, Chair; Boettger and Fraise

SSB 3147

JUDICIARY: Fraise, Chair; Dvorsky and Whitver

SSB 3148

AGRICULTURE: Seng, Chair; Bowman and Houser

FINAL COMMITTEE REPORTS OF BILL ACTION**LOCAL GOVERNMENT**

Bill Title: SENATE FILE 2146 (SSB 3070), a bill for an act relating to meeting requirements for rural water districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 524, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5010.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2011, a bill for an act relating to the membership of the statewide interoperable communications system board.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: *SENATE FILE 2142 (SSB 3068), a bill for an act creating the hire a hero tax credit and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on Senate File 2142, and they were attached to the committee report.

AMENDMENTS FILED

S-5009	S.F.	2127	Steve Kettering
S-5010	H.F.	524	Local Government
S-5011	S.F.	2120	Jeff Danielson

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 9, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Pastor Kevin Gingerich of the Bloomfield United Methodist Church in Bloomfield, Iowa. He was the guest of Senator Chelgren.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Britney Samuelson.

The Journal of Wednesday, February 8, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2101, a bill for an act relating to preparation and recording of public land survey corner certificates.

Read first time and referred to committee on **Local Government**.

House File 2144, a bill for an act relating to permissible forms of ownership of transmission facilities subject to a joint agreement for generating, purchasing, or otherwise acquiring electric power and energy.

Read first time and referred to committee on **Commerce**.

House File 2166, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Read first time and referred to committee on **Ways and Means**.

House File 2168, a bill for an act relating to the authorized deposit of public funds.

Read first time and referred to committee on **Commerce**.

House File 2169, a bill for an act exempting from the individual income tax all pay received from the federal government for certain military service in support of the national guard and including retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Debi Durham, the governor's appointee to be the Director of the Economic Development Authority. She was the guest of Senators Sodders and Ward and the committee on Economic Growth/Rebuild Iowa.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2142** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:04 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2120 and 2086.

Senate File 2120

On motion of Senator Danielson, **Senate File 2120**, a bill for an act relating to the practice of optometry, was taken up for consideration.

Senator Danielson offered amendment S-5011, filed by him on February 8, 2012, to page 2 of the bill, and moved its adoption.

Amendment S-5011 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2120), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2086

On motion of Senator Jochum, **Senate File 2086**, a bill for an act relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2086), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2086** and **2120** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:17 a.m. until 1:00 p.m., Monday, February 13, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF NATURAL RESOURCES

Report on the 2012 Resource Enhancement and Protection Congress, pursuant to Iowa Code section 455A.17. Report received on February 9, 2012.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Dr. Makram Haluani, Professor at Simon Bolivar University in Caracas, Venezuela—For being recognized as a Distinguished Guest of the people of Iowa. Senator Beall (2/9/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 9, 2012, 11:50 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Bowman, Courtney, Greiner, Hahn, Hancock, Kapucian, and Kibbie.

Members Absent: Black, Houser, and Rielly (all excused).

Committee Business: Passed SF 2022. Presentation on land use and zoning.

Adjourned: 12:15 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 9, 2012, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Voted on governor's appointees. Passed SF 2110.

Recessed: 2:15 p.m.

Reconvened: 2:30 p.m.

Adjourned: 2:50 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 2, 2012, 10:15 a.m.

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:35 a.m.

HUMAN RESOURCES

Convened: Wednesday, February 8, 2012, 1:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

Members Absent: None.

Committee Business: Introduced governor's appointees. Passed SF 2082. Approved SSBs 3054 and 3082. Approved SSBs 3037, 3056, 3083, and 3111 as amended. Considered SSB 3039.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: Tuesday, February 7, 2012, 4:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders.

Members Absent: Bertrand (excused).

Committee Business: Passed SF 2011. Approved SSB 3022 as amended. Introduced governor's appointee.

Recessed: 4:10 p.m.

Reconvened: 4:20 p.m.

Adjourned: 4:45 p.m.

WAYS AND MEANS

Convened: Thursday, February 2, 2012, 2:10 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Bartz, Black, Chelgren, Dotzler, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: Anderson and Hogg (both excused).

Committee Business: Presentation on Earned Income Tax Credit.

Adjourned: 2:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 9, 2012, 10:25 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; Bertrand and Mathis.

Members Absent: None.

Committee Business: Presentations by DMACC and Hawkeye Community College.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 2, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by Oklahoma DHS, Genesis Development, Iowa Association of Community Providers, and the Department of Human Services.

Adjourned: 11:15 a.m.

ALSO:

Convened: Thursday, February 9, 2012, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations on IowaCare and the Affordable Care Act.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 9, 2012, 10:30 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Fraise and Smith.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 9, 2012, 10:25 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; and Dvorsky.

Members Absent: Anderson (excused).

Committee Business: Presentations by the Department of Cultural Affairs, the Department of Administrative Services, and the Fort Des Moines Museum.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 104, by Feenstra, a resolution to preserve habeas corpus and civil liberties.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2152, by Houser, Seng, Johnson, and Kibbie, a bill for an act relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 2153, by committee on Transportation, a bill for an act increasing the size of the commercial and industrial highway network.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2154, by committee on State Government, a bill for an act relating to the licensure of the practice of naturopathic medicine.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2155, by Hogg, a bill for an act relating to the appropriate uses of returning dropout and dropout prevention program funding.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 2156, by Anderson, Bertrand, Whitver, Hamerlinck, Feenstra, Sorenson, Bacon, Kapucian, Ernst, Greiner, and Ward, a bill for an act relating to funding for projects on state and local roads and bridges in critical need of repair or maintenance, and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2157, by Zaun, a bill for an act relating to continuing education required for real estate brokers and salespersons.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2158, by committee on Human Resources, a bill for an act relating to reimbursement of speech pathology services under the medical assistance program.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2159, by committee on Human Resources, a bill for an act relating to child support enforcement including protection of child support information.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2160, by committee on Human Resources, a bill for an act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2161, by committee on Ways and Means, a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2162, by Anderson and Bertrand, a bill for an act relating to the state housing credit ceiling allocation and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2163, by committee on Human Resources, a bill for an act relating to an exception from state certification for adult day services programs.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2164, by committee on Human Resources, a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3149 Human Resources

Relating to the state comprehensive Alzheimer's disease response strategy.

SSB 3150 Veterans Affairs

Requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

SSB 3151 Economic Growth/Rebuild Iowa

Relating to the amount allowable as an innovation fund investment tax credit and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2137**

LOCAL GOVERNMENT: Beall, Chair; Courtney and Ernst

Senate File 2139

ECONOMIC GROWTH/REBUILD IOWA: Hatch, Chair; Whitver and Wilhelm

Senate File 2144

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Chelgren and Horn

Senate File 2147

HUMAN RESOURCES: Ragan, Chair; Bolkcom and Whitver

Senate File 2149

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Whitver

Senate File 2151

TRANSPORTATION: Rielly, Chair; Hancock and Houser

SSB 3149

HUMAN RESOURCES: Mathis, Chair; Boettger and Jochum

SSB 3150

VETERANS AFFAIRS: Sodders, Chair; Ernst and Ragan

SSB 3151

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Hatch and Greiner

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: SENATE FILE 2158 (formerly SF 2082), a bill for an act relating to reimbursement of speech pathology services under the medical assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2159 (SSB 3082), a bill for an act relating to child support enforcement including protection of child support information.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2160 (SSB 3054), a bill for an act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2163 (SSB 3037), a bill for an act relating to an exception from state certification for adult day services programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2163, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2164 (SSB 3111), a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2164, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *SENATE FILE 2154 (SSB 3022), a bill for an act relating to the licensure of the practice of naturopathic medicine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Sorenson, Chelgren, Feenstra, Fraise, Hatch, Jochum, and Soddors. Nays, 5: Dearden, Dix, Horn, McCoy, and Smith. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2154, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2153 (SSB 3115), a bill for an act increasing the size of the commercial and industrial highway network.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2161 (SSB 3116), a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Gordon R. Neumann – Iowa Capital Investment Board

Theodore Crosbie – Economic Development Authority

Brenda Cushing – Economic Development Authority

Delia Meier – Economic Development Authority

Rosemary Parson – Economic Development Authority

Daniel White – Economic Development Authority

Jeffrey Heil – Iowa Finance Authority

HUMAN RESOURCES

David Kaptain – Board of Behavioral Science

Wade Leuwerke – Board of Behavioral Science

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

STATE GOVERNMENT

San Wong – Director of the Department of Human Rights

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 1, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Adam Pitts.

The Journal of Wednesday, February 29, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 29, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2127, a bill for an act relating to matters under the purview and authority of the professional licensing and regulation bureau of the banking division of the department of commerce.

Senate File 2170, a bill for an act relating to service of notice requirements for holders of a property tax sale certificate of purchase.

ALSO: That the House has on February 29, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2009, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to an individual's right to acquire, keep, possess, transport, carry, transfer, and use arms.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on February 29, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2215, a bill for an act relating to the justifiable use of reasonable force and providing a remedy.

Read first time and referred to committee on **Judiciary**.

House File 2230, a bill for an act requiring that land within a levee or drainage district be included in an abstract of title.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2285, a bill for an act relating to the definition of hydronic for purposes of the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

Read first time and referred to committee on **State Government**.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:57 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fraise, Horn, and Quirmbach, until they arrive, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2218.

Senate File 2218

On motion of Senator Hogg, **Senate File 2218**, a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation, was taken up for consideration.

Senator Bartz offered amendment S-5038, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5038 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2218), the vote was:

Yeas, 47:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Houser	Seng
Beall	Dotzler	Jochum	Seymour
Behn	Dvorsky	Johnson	Smith
Bertrand	Ernst	Kapucian	Sodders
Black	Feenstra	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Ragan	

Nays, none.

Absent, 3:

Fraise	Horn	Quirmbach
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2218** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:22 a.m. until 1:00 p.m., Monday, March 5, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Doris Layton, Vinton—For celebrating her 90th birthday. Senator Kapucian (3/1/12).

REPORT OF COMMITTEE MEETING

VETERANS AFFAIRS

Convened: Thursday, March 1, 2012, 11:10 a.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Kibbie, and Ragan.

Members Absent: Horn and Soddors (both excused).

Committee Business: Presentations by the Iowa Veterans Museum and the National Fort Des Moines Museum and Education Center.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILL

Senate File 2315, by committee on Human Resources, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

SSB 3191 Appropriations

Relating to appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2156

APPROPRIATIONS: Dvorsky, Chair; Dix

Senate File 2264

APPROPRIATIONS: Danielson, Chair; Bartz and Fraise

Senate File 2268

APPROPRIATIONS: Dvorsky, Chair; Dix

Senate File 2278

APPROPRIATIONS: Dvorsky, Chair; Dix

House File 675
(Reassigned)

WAYS AND MEANS: Hogg, Chair; Chelgren and Mathis

House File 2284

APPROPRIATIONS: Dotzler, Chair; Boettger and Bolkcom

House File 2335

APPROPRIATIONS: Hancock, Chair; Dvorsky and Seymour

House File 2336

APPROPRIATIONS: Black, Chair; Dvorsky and Houser

House File 2337

APPROPRIATIONS: Dotzler, Chair; Boettger and Dvorsky

House File 2338

APPROPRIATIONS: Hogg, Chair; Hancock and Seymour

SSB 3191

APPROPRIATIONS: Hatch, Chair; Dvorsky and Johnson

FINAL COMMITTEE REPORT OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 2315 (SSB 3152), a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, and Quirmbach. Nays, 1: Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2315, and they were attached to the committee report.

AMENDMENTS FILED

S-5038	S.F.	2218	Merlin Bartz
S-5039	S.F.	2314	Mark Chelgren
S-5040	S.F.	2255	Jack Hatch

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 12, 2012

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by Pastor Bob Speirs of St. John's Lutheran Church in Des Moines, Iowa. He was the guest of Senator Hatch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nina Liu.

The Journal of Thursday, March 8, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2146, a bill for an act relating to meeting requirements for rural water districts.

ALSO: That the House has on March 8, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2283, a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable. (S-5062)

ALSO: That the House has on March 8, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 106, a concurrent resolution recognizing National Agriculture Day.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on March 8, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2092, a bill for an act providing for the year-round operation of farmers markets, and including effective date provisions.

Read first time and referred to committee on **Agriculture**.

House File 2306, a bill for an act relating to the membership of the medical assistance advisory council.

Read first time and referred to committee on **Human Resources**.

House File 2329, a bill for an act providing for the issuance of special hunting licenses to certain nonresident disabled veterans and disabled members of the armed forces serving on active federal service.

Read first time and attached to **similar Senate File 2254**.

House File 2367, a bill for an act relating to the liability of an owner, lessee, or occupant of land for injury to a trespasser on the land and including an applicability provision.

Read first time and referred to committee on **Judiciary**.

House File 2390, a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable.

Read first time and referred to committee on **Judiciary**.

House File 2397, a bill for an act relating to horses and dogs engaged in police service by providing for acts involving injury or interference, and providing for penalties.

Read first time and referred to committee on **Judiciary**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:18 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:23 p.m., President Kibbie presiding.

The Senate stood at ease at 1:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:17 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2137, 2287, and 2298.

Senate File 2137

On motion of Senator Beall, **Senate File 2137**, a bill for an act relating to certain property taxes for joint county-city buildings and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2137), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2287

On motion of Senator Dotzler, **Senate File 2287**, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions, was taken up for consideration.

President Kibbie asked and received unanimous consent that action on **Senate File 2287** be **deferred**.

Senate File 2298

On motion of Senator Jochum, **Senate File 2298**, a bill for an act relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions, was taken up for consideration.

Senator Jochum offered amendment S-5063, filed by Senators Jochum and Hatch from the floor to pages 2-5 and 7-9 of the bill, and moved its adoption.

Amendment S-5063 was adopted by a voice vote.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2298), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraiese	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2137 and 2298** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2315 and 2301.

Senate File 2315

On motion of Senator Hatch, **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, was taken up for consideration.

Senator Hatch offered amendment S-5061, filed by him on March 8, 2012, to pages 2, 4-8, 11-14, 16-26, 28-32, 38, 44, and 47 of the bill.

Senator Hatch offered amendment S-5070, filed by him from the floor to pages 2 and 4 of amendment S-5061.

(Senate File 2315 and amendment S-5070 to amendment S-5061 were deferred.)

The Senate stood at ease at 3:49 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:07 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2315 and amendment S-5070 to amendment S-5061.

Senator Hatch moved the adoption of amendment S-5070 to amendment S-5061.

Amendment S-5070 to amendment S-5061 was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S-5061, as amended.

Amendment S-5061, as amended, was adopted by a voice vote.

Senator Hatch offered amendment S-5072, filed by him from the floor to page 73 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5072 be adopted?" (S.F. 2315), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Behn	Feenstra	Kapucian	Sodders
Bertrand	Fraise	Kettering	Sorenson
Black	Greiner	Kibbie	Ward
Boettger	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, 1:

Bolkcom

Absent, none.

Amendment S-5072 was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2315), the vote was:

Yeas, 32:

Bacon	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Black	Dvorsky	Kibbie	Seymour
Boettger	Ernst	Mathis	Sodders

Bolkcom	Gronstal	McCoy	Ward
Bowman	Hancock	Quirnbach	Wilhelm
Courtney	Hatch	Ragan	Zaun

Nays, 18:

Anderson	Feenstra	Houser	Smith
Behn	Fraise	Johnson	Sorenson
Bertrand	Greiner	Kapucian	Whitver
Chelgren	Hahn	Kettering	
Dix	Hamerlinck	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2301

On motion of Senator McCoy, **Senate File 2301**, a bill for an act requiring a commercial breeder of dogs and cats to file evidence of financial responsibility with the department of agriculture and land stewardship, and making penalties applicable, was taken up for consideration.

Senator McCoy withdrew amendment S-5046, filed by him on March 6, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McCoy offered amendment S-5074, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5074 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2301), the vote was:

Yeas, 30:

Bartz	Dotzler	Jochum	Seng
Beall	Dvorsky	Kibbie	Sodders
Black	Fraise	Mathis	Sorenson
Bolkcom	Gronstal	McCoy	Ward

Bowman	Hancock	Quirnbach	Wilhelm
Danielson	Hatch	Ragan	Zaun
Dearden	Hogg	Rielly	
Dix	Horn	Schoenjahn	

Nays, 20:

Anderson	Chelgren	Hahn	Kettering
Bacon	Courtney	Hamerlinck	McKinley
Behn	Ernst	Houser	Seymour
Bertrand	Feenstra	Johnson	Smith
Boettger	Greiner	Kapucian	Whitver

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

BUSINESS PENDING

Senate File 2287

The Senate resumed consideration of **Senate File 2287**, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions, previously deferred.

Senator Bartz offered amendment S-5071, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5071 be adopted?" (S.F. 2287), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Behn	Greiner	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 27:

Beall	Dix	Hogg	Ragan
Black	Dotzler	Horn	Rielly
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm
Dearden	Hatch	Quirmbach	

Absent, none.

Amendment S-5071 lost.

Senator Chelgren offered amendment S-5073, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5073 lost by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2287), the vote was:

Yeas, 37:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dotzler	Jochum	Smith
Beall	Dvorsky	Kapucian	Sodders
Bertrand	Ernst	Kibbie	Sorenson
Black	Fraise	Mathis	Ward
Boettger	Gronstal	McCoy	Wilhelm
Bolkcom	Hamerlinck	Quirmbach	
Bowman	Hancock	Ragan	
Courtney	Hatch	Rielly	

Nays, 13:

Behn	Greiner	Kettering	Zaun
Chelgren	Hahn	McKinley	
Dix	Houser	Seymour	
Feenstra	Johnson	Whitver	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2287, 2301, and 2315** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:56 p.m. until 9:00 a.m., Tuesday, March 13, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Helen Blunt, Mason City—For celebrating her 105th birthday. Senator Bartz (3/12/12).

Iowa City West High School Boys' Basketball Team—For winning the Class 4A Boys' State Basketball Championship. Senator Dvorsky (3/12/12).

Nora Moen, Decorah—For celebrating her 103th birthday. Senator Bartz (3/12/12).

Mount Vernon High School Boys' Basketball Team—For winning the Class 2A Boys' State Basketball Championship. Senator Dvorsky (3/12/12).

Glenn Puffett, Dundee—For celebrating his 80th birthday. Senator Schoenjahn (3/12/12).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Monday, March 12, 2012, 1:20 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SRs 113 and 115.

Adjourned: 1:25 p.m.

INTRODUCTION OF BILL

Senate File 2321, by committee on Appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

SUBCOMMITTEE ASSIGNMENTS

House File 2275

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Bacon and Hatch

House File 2301

COMMERCE: Wilhelm, Chair; Anderson and McCoy

House File 2306

HUMAN RESOURCES: Ragan, Chair; Johnson and Mathis

House File 2367

JUDICIARY: Fraise, Chair; Dix and Dvorsky

House File 2383

EDUCATION: Bowman, Chair; Schoenjahn and Smith

House File 2390

JUDICIARY: Fraise, Chair; Boettger and Hogg

House File 2397

JUDICIARY: Fraise, Chair; Horn and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2321 (SSB 3172), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2321, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 113, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Courtney, Danielson, Dearden, Dvorsky, Ragan. Nays, 4: Behn, Bartz, McKinley, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 115, a resolution to recognize March 2012 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of March, 2012.

Senate Files 2058, 2092, 2244, 2282, and 2292.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5062	S.F.	2283	House
S-5063	S.F.	2298	Pam Jochum Jack Hatch
S-5064	S.F.	2275	Jeff Danielson
S-5065	S.F.	2128	Daryl Beall
S-5066	S.F.	2293	Matt McCoy
S-5067	S.F.	2042	Matt McCoy
S-5068	S.F.	2275	Robert E. Dvorsky Randy Feenstra
S-5069	S.F.	2302	Liz Mathis
S-5070	S.F.	2315	Jack Hatch
S-5071	S.F.	2287	Merlin Bartz
S-5072	S.F.	2315	Jack Hatch
S-5073	S.F.	2287	Mark Chelgren
S-5074	S.F.	2301	Matt McCoy
S-5075	S.F.	2302	Bill Dix
S-5076	S.F.	2254	Dick L. Dearden
S-5077	H.F.	2329	Dick L. Dearden
S-5078	S.F.	2317	Dick L. Dearden
S-5079	S.F.	2302	Roby Smith

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 13, 2012

The Senate met in regular session at 9:08 a.m., Senator Dvorsky presiding.

Prayer was offered by Pastor Keith Smith of Motor Friends Church in Milo, Iowa. He was the guest of Senator Sorenson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Monday, March 12, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 12, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2249, a bill for an act relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements, and including effective date provisions. (S-5080)

ALSO: That the House has on March 12, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2228, a bill for an act relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to reduce speed in specific situations.

Read first time and referred to committee on **Transportation**.

House File 2264, a bill for an act relating to interment rights of certain veterans and their spouses in cemeteries owned and controlled by governmental subdivisions.

Read first time and referred to committee on **Veterans Affairs**.

House File 2289, a bill for an act relating to the appointment of certain judicial officers and the clerks of the district court.

Read first time and attached to **similar Senate File 2100**.

House File 2369, a bill for an act relating to the issuance of a burial transit permit.

Read first time and referred to committee on **Local Government**.

House File 2370, a bill for an act relating to civil actions relating to real estate, including mortgage foreclosure actions.

Read first time and referred to committee on **Judiciary**.

House File 2379, a bill for an act relating to expunging certain criminal records, and including applicability provisions.

Read first time and referred to committee on **Judiciary**.

House File 2388, a bill for an act relating to maximizing hospital-specific disproportionate share hospital payments, and providing for contingent implementation.

Read first time and referred to committee on **Human Resources**.

House File 2399, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties.

Read first time and referred to committee on **Judiciary**.

House File 2400, a bill for an act relating to the policy administration of election and voter registration laws by the secretary of state, including changes to the definition of a general election, the voter registration age, absentee voting, the provision of training space

for election personnel, the candidate nomination filing requirements for merged area, school district, and city elections, the filling of vacancies in city office, and authorizing certain cities to conduct city elections by absentee ballot, and including effective date provisions.

Read first time and referred to committee on **State Government**.

House File 2402, a bill for an act permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

Read first time and referred to committee on **Veterans Affairs**.

House File 2404, a bill for an act relating to the extension of the effective date of a driver's license for a person serving on active duty in military service.

Read first time and referred to committee on **Veterans Affairs**.

House File 2428, a bill for an act relating to the movement of certain combinations of vehicles on economic export corridors established by the department of transportation.

Read first time and referred to committee on **Transportation**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 115.

Senate Resolution 115

On motion of Senator Quirmbach, **Senate Resolution 115**, a resolution to recognize March 2012 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

SPECIAL GUESTS

In celebration of Women's History Month, Senators Mathis and Quirnbach welcomed student winners of the 28th Annual "Write Women Back Into History" Essay Contest to the Senate chamber.

The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

Sixth and Seventh Grades:

First Place: Elizabeth Barrett of Harding Middle School in Cedar Rapids

Second Place: Ally Richards of Urbandale Middle School in Urbandale

Third Place: Susanne Kerr of North Polk Elementary in Alleman

Eighth and Ninth Grades:

First Place: Molly Doruska of Northview Middle School in Ankeny

Second Place: Gabriella Baker of North Polk Middle School in Alleman

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Sreeja Vepa of Urbandale Middle School in Urbandale

Best Essay on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Emily Robinson of Creston Middle School in Creston

Second Place: Kirsten Siebenga of Harding Middle School in Cedar Rapids

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie, until he arrives, on request of Senator Seng.

RECESS

On motion of Senator Danielson, the Senate recessed at 9:25 a.m. until 2:00 p.m.

RECONVENED

The Senate reconvened at 2:17 p.m., President Kibbie presiding.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2284** be referred from the Regular Calendar to the committee on **Appropriations**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2260, a bill for an act revising the Iowa nonprofit corporation Act. (S-5083)

ALSO: That the House has on March 13, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2385, a bill for an act providing for the licensure of applicants with professional employment experience in a profession related to science, mathematics, engineering, or technology, as teachers for secondary level science, mathematics, engineering, or technology courses.

Read first time and referred to committee on **Education**.

House File 2433, a bill for an act relating to state agency decision making.

Read first time and referred to committee on **State Government**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:19 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:20 p.m., President Kibbie presiding.

The Senate stood at ease at 2:21 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:24 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 113.

Senator Smith raised the point of order asking the sponsor to withdraw Senate Resolution 113 under Rule 30.

The Chair ruled the Senate in past precedent has included acts of the national government as accomplishments of “national or international status” within the language of Rule 30. Accordingly, the Chair ruled the point not well-taken and Senate Resolution 113 in order.

Senate Resolution 113

On motion of Senator Danielson, **Senate Resolution 113**, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren asked and received unanimous consent that action on **Senate Resolution 113** be deferred.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2302.

Senate File 2302

On motion of Senator Mathis, **Senate File 2302**, a bill for an act relating to bidding for purchases through a competitive bidding process by the state or political subdivisions, was taken up for consideration.

Senator Mathis offered amendment S-5069, filed by her on March 12, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5069 was adopted by a voice vote.

With the adoption of amendment S-5069, the Chair ruled the following amendments out of order:

S-5054, filed by Senator Whitver on March 7, 2012, to page 1 of the bill; and

S-5060, filed by Senator Hamerlinck on March 8, 2012, to page 1 of the bill.

Senator Dix offered amendment S-5075, filed by him on March 12, 2012, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5075 be adopted?" (S.F. 2302), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Present, 1:

Mathis

Absent, none.

Amendment S-5075 lost.

Senator Smith offered amendment S-5079, filed by him on March 12, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5079 was adopted by a voice vote.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2302), the vote was:

Yeas, 35:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kapucian	Smith
Black	Fraise	Kibbie	Sodders
Boettger	Gronstal	Mathis	Sorenson
Bolkcom	Hamerlinck	McCoy	Ward
Bowman	Hancock	Quirnbach	Wilhelm
Courtney	Hatch	Ragan	

Nays, 15:

Bacon	Ernst	Houser	Seymour
Behn	Feenstra	Johnson	Whitver
Chelgren	Greiner	Kettering	Zaun
Dix	Hahn	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate Resolution 113

The Senate resumed consideration of **Senate Resolution 113**, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission, previously deferred.

Senator Danielson moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2294 and 2293.

Senate File 2294

On motion of Senator Rielly, **Senate File 2294**, a bill for an act relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate, was taken up for consideration.

Senator Rielly offered amendment S-5082, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5082 was adopted by a voice vote.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2294), the vote was:

Yeas, 47:

Anderson	Dearden	Horn	Rielly
Bacon	Dix	Houser	Schoenjahn
Bartz	Dotzler	Jochum	Seng
Beall	Dvorsky	Johnson	Seymour
Behn	Ernst	Kapucian	Smith

Bertrand	Fraise	Kettering	Sodders
Black	Gronstal	Kibbie	Sorenson
Bolkcom	Hahn	Mathis	Ward
Bowman	Hamerlinck	McCoy	Whitver
Chelgren	Hancock	McKinley	Wilhelm
Courtney	Hatch	Quirnbach	Zaun
Danielson	Hogg	Ragan	

Nays, 3:

Boettger	Feenstra	Greiner
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2293

On motion of Senator McCoy, **Senate File 2293**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions, was taken up for consideration.

Senator McCoy offered amendment S-5066, filed by him on March 12, 2012, to pages 2, 12, 13, 15, 20, and 21 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S-5066 be deferred.

Senator Feenstra offered amendment S-5049, filed by him on March 7, 2012, to pages 11-14 and 20-21 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5049 be adopted?" (S.F. 2293), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S–5049 lost.

The Senate resumed consideration of amendment S-5066, previously deferred.

Senator McCoy moved the adoption of amendment S–5066.

Amendment S–5066 was adopted by a voice vote.

With the adoption of amendment S–5066, the Chair ruled the following amendments out of order:

S–5033, filed by Senator McCoy on February 28, 2012, to pages 12, 13, 20, and 21 of the bill; and

S–5048, filed by Senator McCoy on March 6, 2012, to page 15 of the bill.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2293), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 23:

Beall	Dearden	Hogg	Ragan
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Hancock	Mathis	Wilhelm
Danielson	Hatch	Quirnbach	

Nays, 27:

Anderson	Dix	Houser	Seymour
Bacon	Ernst	Johnson	Smith
Bartz	Feenstra	Kapucian	Sorenson
Behn	Greiner	Kettering	Ward
Bertrand	Gronstal	McCoy	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Rielly	

Absent, none.

The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2128 and 2112.

Senate File 2128

On motion of Senator Beall, **Senate File 2128**, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, providing for a repeal, and including applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Beall offered amendment S-5065, filed by him on March 12, 2012, to pages 1-4 of the bill, and moved its adoption.

Amendment S-5065 was adopted by a voice vote.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2128), the vote was:

Yeas, 43:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schoenjahn
Bertrand	Ernst	Houser	Seng

Black	Feenstra	Jochum	Seymour
Boettger	Fraise	Johnson	Sodders
Bolkcom	Greiner	Kapucian	Ward
Bowman	Gronstal	Kibbie	Wilhelm
Chelgren	Hahn	Mathis	Zaun
Courtney	Hamerlinck	McCoy	

Nays, 7:

Behn	Kettering	Smith	Whitver
Dix	McKinley	Sorenson	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2112

On motion of Ernst, **Senate File 2112**, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status, was taken up for consideration.

Ernst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2112), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2112, 2128, 2294, and 2302** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senate File 2293

Senator Gronstal called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2293 failed to pass the Senate on March 13, 2012.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2293), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The motion prevailed.

Senator Gronstal moved to reconsider the vote by which Senate File 2293 went to its last reading, which motion prevailed by a voice vote.

On motion of Senator Gronstal, **Senate File 2293**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions, was taken up for reconsideration.

Senator McCoy called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5066 to Senate File 2293 was adopted by the Senate on March 13, 2012.

The motion prevailed by a voice vote and amendment S-5066, by Senator McCoy to pages 2, 12, 13, 15, 20, and 21 of the bill, was taken up for reconsideration.

Senator McCoy called for the following division of amendment S-5066:

Division S-5066A: Page 1, lines 2-5;

Division S-5066B: Page 1, lines 6-9; and

Division S-5066C: Page 1, lines 10-16.

Senator McCoy asked and received unanimous consent to withdraw division S-5066A.

(Senate File 2293 and amendment S-5066 were deferred.)

The Senate stood at ease at 5:11 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:34 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2293 and amendment S-5066, previously deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Bartz.

Senator McCoy moved the adoption of division S-5066B.

A record roll call was requested.

On the question "Shall division S-5066B be adopted?" (S.F. 2293), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

Division S-5066B was adopted.

Senator McCoy moved the adoption of division S-5066C.

A record roll call was requested.

On the question "Shall division S-5066C be adopted?" (S.F. 2293), the vote was:

Yeas, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hancock	McCoy	
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Johnson	Smith
Bartz	Ernst	Kapucian	Sorenson
Behn	Feenstra	Kettering	Ward
Bertrand	Greiner	McKinley	Whitver
Boettger	Hahn	Rielly	Zaun

Absent, 1:

Houser

Division S-5066C was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2293), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2293** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2236 and 2275.

Senate File 2236

On motion of Senator Danielson, **Senate File 2236**, a bill for an act relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable, was taken up for consideration.

Senator Danielson offered amendment S-5085, filed by him from the floor to pages 1 and 4-6 and amending the title page of the bill.

Senator Danielson called for the following division of amendment S-5085:

Division S-5085A: Page 1, lines 2-5 and lines 8-13; and

Division S-5085B: Page 1, lines 6-7.

Senator Danielson asked and received unanimous consent to withdraw division S-5085B.

Senator Danielson moved the adoption of division S-5085A.

Division S-5085A was adopted by a voice vote.

Senator Danielson offered amendment S-5087, filed by him from the floor to pages 4-5 of the bill, and moved its adoption.

Amendment S-5087 was adopted by a voice vote.

Senator Chelgren asked and received unanimous consent that action on **Senate File 2236** be **deferred**.

Senate File 2275

On motion of Senator Danielson, **Senate File 2275**, a bill for an act authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable, was taken up for consideration.

Senator Danielson withdrew amendment S-5059, filed by him on March 8, 2012, to pages 1 and 3-5 and amending the title page of the bill.

Senator Danielson offered amendment S-5064, filed by him on March 12, 2012, to pages 1 and 3-5 and amending the title page of the bill, and moved its adoption.

Amendment S-5064 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5068, filed by Senators Dvorsky and Feenstra on March 12, 2012, to page 4 of the bill.

Senator Bertrand raised the point of order that amendment S-5068 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5068 out of order.

Senator Ernst offered amendment S-5086, filed by her from the floor, to page 6 of the bill.

Senator Soddors raised the point of order that amendment S-5086 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5086 in order.

(Senate File 2275 and amendment S-5086 were deferred.)

The Senate stood at ease at 6:20 p.m. until the fall of the gavel for the purpose of a Democratic party caucuses.

The Senate resumed session at 6:24 p.m., President Kibbie presiding.

Senator Ernst moved the adoption of amendment S-5086.

A record roll call was requested.

On the question "Shall amendment S-5086 be adopted?" (S.F. 2275), the vote was:

Yeas, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

Nays, 27:

Beall	Dix	Hogg	Ragan
Black	Dotzler	Horn	Rielly
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm
Dearden	Hatch	Quirnbach	

Absent, 1:

Houser

Amendment S-5086 lost.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2275), the vote was:

Yeas, 29:

Anderson	Dearden	Horn	Schoenjahn
Bartz	Dix	Jochum	Sodders
Beall	Dotzler	Kapucian	Sorenson
Bertrand	Dvorsky	Kibbie	Whitver

Black	Greiner	Mathis	Wilhelm
Bowman	Gronstal	McCoy	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 20:

Bacon	Ernst	Hogg	Seng
Behn	Feenstra	Johnson	Seymour
Boettger	Fraise	Kettering	Smith
Bolkcom	Hahn	McKinley	Ward
Chelgren	Hamerlinck	Quirmbach	Zaun

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2275** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Swati Dandekar as a member of the Iowa Utilities Board, placed on the Individual Confirmation Calendar on February 2, 2012, found on page 186 of the Senate Journal.

Senator McCoy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 43:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dvorsky	Jochum	Seng
Bartz	Ernst	Johnson	Seymour
Behn	Feenstra	Kapucian	Smith
Bertrand	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Sorenson

Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Ragan	Zaun
Dearden	Hogg	Rielly	

Nays, 6:

Beall	Courtney	Hatch
Black	Dotzler	Quirmbach

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of San Wong as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on February 9, 2012, found on page 231 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Debi Durham as Director of the Economic Development Authority, placed on the Individual Confirmation Calendar on February 7, 2012, found on page 206 of the Senate Journal.

Senator Sodders moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

The Senate stood at ease at 6:39 p.m. until the fall of the gavel.

The Senate resumed session at 6:42 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2429, a bill for an act relating to identity theft, providing penalties, and making penalties applicable.

Read first time and referred to committee on **Judiciary**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:43 p.m. until 9:00 a.m. Wednesday, March 14, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Trevor Draisey, Keota—For being named to the IBCA Academic All-State Team. Senator Greiner (3/13/12).

Brock Kimball, Washington—For being named to the IBCA Academic All-State Team. Senator Greiner (3/13/12).

Jan Laue, Des Moines—For her many years of service to the working men and women of the State of Iowa and the Trade Union Movement. Senator Dearden (3/13/12).

Lincoln Parmenter, English Valleys—For being named to the IBCA Academic All-State Team. Senator Greiner (3/13/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Tuesday, March 13, 2012, 10:15 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, and Kapucian.

Members Absent: Kibbie and Rielly (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 10:30 p.m.

APPROPRIATIONS

Convened: Tuesday, March 13, 2012, 1:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Houser (excused).

Committee Business: Passed HF 2337.

Recessed: 1:45 p.m.

Reconvened: 2:00 p.m.

Adjourned: 2:15 p.m.

JUDICIARY

Convened: Tuesday, March 13, 2012, 9:50 a.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved governor's appointees.

Adjourned: 10:00 a.m.

LOCAL GOVERNMENT

Convened: Tuesday, March 13, 2012, 10:45 a.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Courtney and Hamerlinck (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 11:00 a.m.

RULES AND ADMINISTRATION

Convened: Tuesday, March 13, 2012, 2:20 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 116.

Adjourned: 2:25 p.m.

TRANSPORTATION

Convened: Tuesday, March 13, 2012, 11:15 a.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: McCoy (excused).

Committee Business: Passed HF 2428.

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 116, by Quirmbach, Mathis, Beall, Ragan, Dotzler, Jochum, Hogg, Dvorsky, Soddors, Danielson, Seng, Horn, Fraise, Courtney, Kibbie, Black, McCoy, Schoenjahn, Behn, Bacon, Boettger, Johnson, McKinley, Kapucian, Whitver, Anderson, Sorenson, Ernst, Kettering, Hahn, Feenstra, Dix, Chelgren, Ward, and Seymour, a resolution to honor Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3193 Ways and Means

Relating to electronic payment transactions by prohibiting the collection of interchange fees on specified taxes and fees, providing penalties, and including applicability provisions.

SSB 3194 Ways and Means

Providing for the allocation of moneys from the primary road fund and the disposition of federal aid road funds.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2173

WAYS AND MEANS: Jochum, Chair; Bartz and Mathis

House File 2092

AGRICULTURE: Seng, Chair; Black and Hahn

House File 2284

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

House File 2370

JUDICIARY: Hogg, Chair; Fraise and Whitver

House File 2379

JUDICIARY: Jochum, Chair; Dix and Quirmbach

House File 2388

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

House File 2399

JUDICIARY: Hancock, Chair; Boettger and Soddors

House File 2400

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

House File 2428

TRANSPORTATION: Rielly, Chair; Beall, Bowman, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, Kapucian, and Zaun

SSB 3193

WAYS AND MEANS: Dotzler, Chair; Feenstra and Jochum

SSB 3194

WAYS AND MEANS: McCoy, Chair; Feenstra and Mathis

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: HOUSE FILE 2337, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5084.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 116, a resolution to honor Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 2285, a bill for an act relating to the definition of hydronic for purposes of the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Danielson, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 2: Kibbie and Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2427, a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Danielson, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 2: Kibbie and Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2428, a bill for an act relating to the movement of certain combinations of vehicles on economic export corridors established by the department of transportation.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, and Zaun. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 2403, a bill for an act relating to requirements for a commercial driver's license for certain persons transitioning from military service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Ragan, and Sodders. Nays, none. Absent, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was present in the Senate chamber on March 12, 2012, when the vote was taken on Senate File 2301, and erroneously recorded my vote as “Yea.” I intended to vote “Nay.” The President of the Senate had closed the voting machine prior to my being able to correct my vote.

KENT SORENSON

GOVERNOR’S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

AGRICULTURE

Lyle Borg – Agricultural Development Authority
John Fredrickson – Agricultural Development Authority
Mark Leonard – Agricultural Development Authority

COMMERCE

Dave Cale – Credit Union Review Board
Timothy Marcsisak – Credit Union Review Board
Becky Zemlicka – Credit Union Review Board

Richard Bruner – Chairperson of the Iowa Telecommunications and Technology Commission

Kathleen Kohorst – Iowa Telecommunications and Technology Commission

HUMAN RESOURCES

Jill Bjerke – Commission on Aging
Richard Stone – Commission on Aging

Geoffrey Jensen – Board of Athletic Training
Christina Taylor – Board of Athletic Training

Amy Crow Sunleaf – Board of Behavioral Science

Mary Chavez – Commission of Persons with Disabilities
Harry Van Grevenhof – Commission of Persons with Disabilities
Brandon Wensman – Commission of Persons with Disabilities

Christopher Atchison – Prevention of Disabilities Policy Council
Beth Jones – Prevention of Disabilities Policy Council
Cheryll Jones – Prevention of Disabilities Policy Council

Susan Lerdal – Prevention of Disabilities Policy Council

Joseph Hutter – Healthy and Well Kids in Iowa (HAWK-I) Board

Mary Mincer Hansen – Healthy and Well Kids in Iowa (HAWK-I) Board

Sal Alaniz – Commission of Latino Affairs

Juan Rodriguez – Commission of Latino Affairs

Neil Broderick – Mental Health and Disability Services Commission

Jill Davison – Mental Health and Disability Services Commission

Debra Schildroth – Mental Health and Disability Services Commission

Patrick Schmitz – Mental Health and Disability Services Commission

Suzanne Watson – Mental Health and Disability Services Commission

John Gannon – Board of Sign Language Interpreters and Transliterators

Diana Kautzky – Board of Sign Language Interpreters and Transliterators

Stephanie Lyons – Board of Sign Language Interpreters and Transliterators

Mikki Stier – Commission on Tobacco Use Prevention and Control

JUDICIARY

David Lorenzen – Iowa Drug Policy Advisory Council

Christina Wilson – Iowa Drug Policy Advisory Council

Regina Clemens – Iowa Law Enforcement Academy Council

Marti Crumes-Morrow – Iowa Law Enforcement Academy Council

LOCAL GOVERNMENT

James Halverson – City Development Board

Linda Dunshee – Mental Health Risk Pool Board

Rick Larkin – Mental Health Risk Pool Board

Andrew Nielsen – Mental Health Risk Pool Board

Raymond Todd – Mental Health Risk Pool Board

STATE GOVERNMENT

Shanna Cramer – Commission on the Status of African Americans

L. Duane Murray – Commission on the Status of African Americans

Clair Rudison, Jr. – Commission on the Status of African Americans

Kimberly Wayne – Commission on the Status of African Americans

Linda Alfson Schemmel – Architectural Examining Board

Bruce Bassler – Architectural Examining Board

Yolanda Duerson – Commission of Asian and Pacific Islander Affairs

Benjamin Jung – Commission of Asian and Pacific Islander Affairs

Trinh Le – Commission of Asian and Pacific Islander Affairs

Gwendolyn Ecklund – Board of Barbering

Valerie Felton – Board of Barbering

James Omvig, Sr. – Commission for the Blind

Joellen Jenson – Board of Chiropractic

Kelly Busch – Commission on Community Action Agencies

Marc Lindeen – Commission on Community Action Agencies

Don Nguyen – Board of Cosmetology Arts and Sciences

Theresa Legg – Commission of Deaf Services

Jennifer Upah – Commission of Deaf Services

Lori Elmitt – Board of Dentistry

Matthew McCullough – Board of Dentistry

Nancy Slach – Board of Dentistry

Bridget Drapeaux – Board of Dietetics

Steven Kury – Board of Dietetics

Dorothy Walters – Board of Hearing Aid Dispensers

Sara Herman – Interior Design Examining Board

Tom Triplett – Interior Design Examining Board

Serena Zwanziger – Interior Design Examining Board

Timothy Adams – Landscape Architectural Examining Board

David Fjare – Landscape Architectural Examining Board

Coy Clark – Board of Massage Therapy

Julie Perkins – Board of Medicine

Bradley Hawn – Board of Mortuary Science

Norene Mostkoff – Board of Mortuary Science

Maureen Cahill – Board of Nursing Home Administrators

David Chensvold – Board of Nursing Home Administrators

Patrice Herrera – Board of Nursing Home Administrators

Mabel Mantel – Board of Nursing Home Administrators

Dawnita Neff – Board of Nursing Home Administrators

Richard Jacobson – Board of Optometry

Barbara Washburn – Board of Optometry

Jaclyn Fleming – Board of Physical and Occupational Therapy

Joel Jernstad – Board of Physician Assistants

Jolene Kelly – Board of Physician Assistants

Teresa Lee – Board of Physician Assistants

Mindi Feilmeier – Board of Podiatry
 Sarah Kleffman – Board of Podiatry

Brandon Davis – Board of Psychology
 John Dilley – Board of Psychology

Amanda Luscombe – Real Estate Appraiser Examining Board
 Joan Scotter – Real Estate Appraiser Examining Board

Lisa Kingery – Board of Respiratory Care
 Arlene Lee – Board of Respiratory Care

Mark Hillenbrand – Board of Social Work

Denise Renaud – Board of Speech Pathology and Audiology
 Jon Schuttinga – Board of Speech Pathology and Audiology
 J. Michael Tysklind – Board of Speech Pathology and Audiology

Janet Sears – Iowa Board of Veterinary Medicine
 Curtis Youngs – Iowa Board of Veterinary Medicine

Mollie Phukan – Vision Iowa Board
 Cathy Reece – Vision Iowa Board
 Charese Yanney – Vision Iowa Board

Elizabeth Coonan – Commission on the Status of Women
 David Gudenkauf – Commission on the Status of Women
 Brian Mueller – Commission on the Status of Women

TRANSPORTATION

Amy Reasner – State Transportation Commission
 Charese Yanney – State Transportation Commission

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Thomas Greene – Commission on Tobacco Use Prevention and Control

JUDICIARY

Beth Townsend – Director of the Iowa State Civil Rights Commission

Doris Kelley – Chairperson of the Board of Parole

AMENDMENTS FILED

S-5080	S.F.	2249	House
S-5081	H.F.	2335	Tom Hancock
S-5082	S.F.	2294	Thomas Rielly
S-5083	S.F.	2260	House
S-5084	H.F.	2337	Appropriations
S-5085	S.F.	2236	Jeff Danielson
S-5086	S.F.	2275	Joni Ernst
S-5087	S.F.	2236	Jeff Danielson

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 14, 2012

The Senate met in regular session at 9:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Tuesday, March 13, 2012, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Brian Ohorilko, the governor's appointee to be the Administrator to the State Racing and Gaming Commission. He was the guest of Senators Bertrand and Danielson and the committee on State Government.

The Secretary of the Senate introduced Beth Townsend, the governor's appointee to be the Director of the Iowa State Civil Rights Commission. She was the guest of Senators Dix and Quirmbach and the committee on Judiciary.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 116.

Senate Resolution 116

On motion of Senator Quirnbach, **Senate Resolution 116**, a resolution to honor Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Quirnbach introduced to the Senate Dr. Gregory L. Geoffroy, former President of Iowa State University.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:31 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:35 a.m., President Kibbie presiding.

UNFINISHED BUSINESS
(Deferred March 13, 2012)**Senate File 2236**

The Senate resumed consideration of **Senate File 2236**, a bill for an act relating to the procedures and duties of the Iowa ethics and campaign disclosure board relating to campaign finance and to county redistricting and making penalties applicable, deferred March 13, 2012.

(Senate File 2236 was deferred.)

The Senate stood at ease at 9:39 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:11 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2236, previously deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he arrives, on request of Senator Chelgren.

Senator Chelgren offered amendment S-5088, filed by him from the floor to pages 1 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5088 be adopted?" (S.F. 2236), the vote was:

Yeas, 16:

Bacon	Ernst	Hamerlinck	McKinley
Behn	Feenstra	Houser	Seymour
Boettger	Greiner	Kapucian	Smith
Chelgren	Hahn	Kettering	Zaun

Nays, 33:

Anderson	Dix	Jochum	Seng
Beall	Dotzler	Johnson	Sodders
Bertrand	Dvorsky	Kibbie	Sorenson
Black	Fraise	Mathis	Ward
Bolkcom	Gronstal	McCoy	Whitver
Bowman	Hancock	Quirnbach	Wilhelm
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schoenjahn	

Absent, 1:

Bartz

Amendment S-5088 lost.

Senator Chelgren offered amendment S-5089, filed by him from the floor to pages 2-4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5089 be adopted?" (S.F. 2236), the vote was:

Yeas, 10:

Bacon	Boettger	Feenstra	Zaun
Bartz	Chelgren	Greiner	
Behn	Ernst	Seymour	

Nays, 40:

Anderson	Dotzler	Houser	Ragan
Beall	Dvorsky	Jochum	Rielly
Bertrand	Fraise	Johnson	Schoenjahn
Black	Gronstal	Kapucian	Seng
Bolkcom	Hahn	Kettering	Smith
Bowman	Hamerlinck	Kibbie	Sodders
Courtney	Hancock	Mathis	Sorenson
Danielson	Hatch	McCoy	Ward
Dearden	Hogg	McKinley	Whitver
Dix	Horn	Quirnbach	Wilhelm

Absent, none.

Amendment S-5089 lost.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2236), the vote was:

Yeas, 31:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Boettger	Fraise	Kapucian	Seng
Bolkcom	Gronstal	Kibbie	Sodders
Bowman	Hamerlinck	Mathis	Ward
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	

Nays, 19:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Chelgren	Hahn	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2236** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:38 a.m. until 9:00 a.m., Thursday, March 15, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Colby Casper, Sioux City—For being named to the Academic All-State Team. Senator Bertrand (3/14/12).

Eric Davis, Maquoketa—For achieving the rank of Eagle Scout, Troop 86. Senator Bowman (3/14/12).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 13, 2012, 11:30 a.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolckom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Approved governor's appointees. Passed HF 561 as amended.

Recessed: 1:30 p.m.

Reconvened: 6:40 p.m.

Adjourned: 9:00 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Wednesday, March 14, 2012, 11:05 a.m.

Members Present: Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Approved governor's appointees.

Recessed: 11:10 a.m.

Reconvened: 11:35 a.m.

Adjourned: 11:50 a.m.

EDUCATION

Convened: Wednesday, March 14, 2012, 3:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Bowman, Dvorsky, Hogg, Johnson, Smith, Sodders, and Wilhelm.

Members Absent: Boettger and Feenstra (both excused).

Committee Business: Passed HF 2383. Approved governor's appointees.

Adjourned: 3:25 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, March 14, 2012, 3:00 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Courtney, Dearden, Dotzler, and Fraise.

Members Absent: Bertrand, Chelgren, and Hatch (all excused).

Committee Business: Approved governor's appointees.

Adjourned: 3:10 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, March 14, 2012, 1:00 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Passed HFs 2323, 2361, and 2369.

Recessed: 1:05 p.m.

Reconvened: 1:20 p.m.

Adjourned: 1:35 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, March 14, 2012, 9:30 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Approved governor's appointee.

Adjourned: 9:35 a.m.

TRANSPORTATION

Convened: Wednesday, March 14, 2012, 1:30 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, and McCoy.

Members Absent: Houser and Zaun (both excused).

Committee Business: Passed HF 2228.

Adjourned: 1:45 p.m.

SUBCOMMITTEE ASSIGNMENTS**House File 2228**

TRANSPORTATION: Hancock, Chair; Beall, Bowman, Danielson, Dearden, Dvorsky, Ernst, Hahn, Kapucian, McCoy, and Rielly

House File 2264

VETERANS AFFAIRS: Beall, Chair; Bacon, Black, Danielson, Ernst, Greiner, Horn, Kibbie, Ragan, Seymour, and Sodders

House File 2369

LOCAL GOVERNMENT: Wilhelm, Chair; Bacon, Bartz, Beall, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn

House File 2385

EDUCATION: Dvorsky, Chair; Hamerlinck and Quirmbach

House File 2402

VETERANS AFFAIRS: Beall, Chair; Bacon, Black, Danielson, Ernst, Greiner, Horn, Kibbie, Ragan, Seymour, and Sodders

House File 2404

VETERANS AFFAIRS: Beall, Chair; Bacon, Black, Danielson, Ernst, Greiner, Horn, Kibbie, Ragan, Seymour, and Sodders

House File 2433

STATE GOVERNMENT: Danielson, Chair; Jochum and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: HOUSE FILE 561, a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: McCoy, Rielly, Anderson, Bertrand, Feenstra, Kettering, Ward, and Zaun. Nays, 7: Beall, Bolkcom, Courtney, Mathis, Schoenjahn, Seng, and Wilhelm. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2383, a bill for an act relating to mandatory reporting of school employee misconduct to the board of educational examiners.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Quirnbach, Schoenjahn, Hamerlinck, Beall, Bowman, Dvorsky, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, 2: Boettger and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2305, a bill for an act relating to the powers and duties of the department on aging.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5092.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2388, a bill for an act relating to maximizing hospital-specific disproportionate share hospital payments, and providing for contingent implementation.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2368, a bill for an act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2345, a bill for an act relating to the factors considered by the court in a determination of the best interest of the child in custody arrangements.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2226, a bill for an act relating to child abuse reports and disposition data.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5091.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2306, a bill for an act relating to the membership of the medical assistance advisory council.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2387, a bill for an act relating to improvements to and implementation of laws concerning elder abuse.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 2231, a bill for an act relating to residency qualifications for memorial hospital commissioners.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Rielly, and Schoenjahn. Nays, none. Absent, 1: Quirnbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2323, a bill for an act relating to city utilities and city enterprises by making changes to requirements related to residential rental property.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2369, a bill for an act relating to the issuance of a burial transit permit.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 2319, a bill for an act relating to elections and voter registration, including technical administration of the law by making modifications to certain filing deadlines, preservation of certain records, elections to fill certain vacancies in office, absentee voting, voting systems, and ballot summaries.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2400, a bill for an act relating to the policy administration of election and voter registration laws by the secretary of state, including changes to the definition of a general election, the voter registration age, absentee voting, the provision of training space for election personnel, the candidate nomination filing requirements for merged area, school district, and city elections, the filling of vacancies in city office, and authorizing certain cities to conduct city elections by absentee ballot, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Danielson, Kibbie, Sorenson, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2228, a bill for an act relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to reduce speed in specific situations.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, and McCoy. Nays, none. Absent, 2: Houser and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2058 – Relating to certain records of rural water districts, city utilities, and city enterprises.

Senate File 2092 – Relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

Senate File 2244 – Requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

Senate File 2282 – Concerning the definitions of “all-terrain vehicle” and “off-road utility vehicle” for purposes of provisions administered by the department of natural resources.

Senate File 2292 – To legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 14, 2012, when the vote was taken on Amendment S-5088 to Senate File 2236. Had I been present, I would have voted "Aye."

MERLIN BARTZ

APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

PAROLE, BOARD OF (Sec. 904A.1)
W. Thomas Phillips, Waukee

05/01/2012 – 04/30/2016

The appointment was referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to state boards, commissions, and departments to Senate standing committee, as indicated for investigation on March 14, 2012:

JUDICIARY

W. Thomas Phillips – Board of Parole

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittee of standing committee on March 14, 2012, to investigate the appointment and reappointment of the following appointees:

JUDICIARY

As a member of the Board of Parole:

W. THOMAS PHILLIPS – Hogg, Chair; Dvorsky and Ward

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Stephen Hammes – Iowa Great Places Board
Kerrie Kuiper – Iowa Great Places Board
Gayle Redman – Iowa Great Places Board

LABOR AND BUSINESS RELATIONS

Cloyd “Robby” Robinson – Employment Appeal Board
Mickey Gage – Plumbing and Mechanical Systems Examining Board
Rodney Schultz – Plumbing and Mechanical Systems Examining Board
Janelle Niebuhr (Appointment & Reappointment) – Public Employment Relations Board
Rachel Hurley – Iowa Workforce Development Board
Ken Sagar – Iowa Workforce Development Board
Karen “Dee” Vanderhoef – Iowa Workforce Development Board

STATE GOVERNMENT

Evelyn Rank – Accountancy Examining Board
Robert Snodgrass – Accountancy Examining Board
Tommy Thompson – Accountancy Examining Board
Bryan Burton – Commission on the Status of African Americans
Tami Doll – Alcoholic Beverages Commission
Albert Liu – Commission of Asian and Pacific Islander Affairs
Karlai Thornburg – Commission of Asian and Pacific Islander Affairs
John Calisesi – Board of Chiropractic
Aaron Martin – Board of Chiropractic
Terry Butler – Iowa Emergency Response Commission
Julie Waltz – Iowa Emergency Response Commission
Christy VanBuskirk – Engineering and Land Surveying Examining Board
Marlee Walton – Engineering and Land Surveying Examining Board
Matthew McDermott – Iowa Lottery Authority Board of Directors

Connie Boyd – Board of Nursing

Chris Mayer – Peace Officers' Retirement, Accident, and Disability System Trustee

Susan Frey – Board of Pharmacy

Edward McKenna – Board of Pharmacy

Kristine Kramer – State Racing and Gaming Commission

Terry Duggan – Real Estate Commission

Carol Haines – Real Estate Commission

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Donald Zuck – Iowa Great Places Board

LABOR AND BUSINESS RELATIONS

James Van Fossen – Public Employment Relations Board

STATE GOVERNMENT

Donna Mueller – Chief Executive Officer of IPERS

Brian Ohorilko – Administrator of the State Racing and Gaming Commission

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 14, 2012:

I am withdrawing the name of Patricia Weese to serve as a member of the Plumbing and Mechanical Systems Examining Board from further consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-5088	S.F.	2236	Mark Chelgren
S-5089	S.F.	2236	Mark Chelgren
S-5090	H.F.	561	Commerce
S-5091	H.F.	2226	Human Resources
S-5092	H.F.	2305	Human Resources

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 15, 2012

The Senate met in regular session at 9:06 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by the Honorable Merlin Bartz, member of the Senate from Worth County, Grafton, Iowa. Senator Bartz sang “Danny Boy” while accompanied by Senator Seng on the accordion, and Senator Kibbie recited an old Irish blessing.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Maggie Soddors, daughter of Senator Soddors.

The Journal of Wednesday, March 14, 2012, was approved.

INTRODUCTION OF GOVERNOR’S APPOINTEE

The Secretary of the Senate introduced Donna Mueller, the governor’s appointee to be the Chief Executive Officer of IPERS. She was the guest of Senator Kibbie and the committee on State Government.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2218, a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning

lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

ALSO: That the House has on March 14, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2398, a bill for an act classifying certain substances as schedule I controlled substances, making penalties applicable, and including effective date provisions.

Read first time and referred to committee on **Judiciary**.

House File 2422, a bill for an act relating to sex offender notification, providing penalties, and including effective date provisions.

Read first time and referred to committee on **Appropriations**.

SPECIAL GUESTS

Senator Kibbie introduced to the Senate chamber the Honorable Maurice Cummins accompanied by his wife, Anne. Senator Cummins is a member of the Seanad Eireann (Irish Senate) and the spokesperson on foreign policy.

Senator Cummins addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

Senators Beall and Boettger presented Senator Cummins with gifts on behalf of the Iowa Senate and the International Relations Committee.

Senator Kibbie introduced to the Senate chamber 2011 Miss Shamrock, Chelsea Rouse, accompanied by her mother, Sue Rouse and Andy Joyce, the local representative from St. Patrick's Association in Emmetsburg, Iowa. Senator Kibbie also welcomed local Irish Dancers from the Foy School of Traditional Irish Dance in Des Moines to the Senate chamber.

The Senate rose and expressed its welcome.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the Unfinished Business Calendar:

S.F. 2250 attached to H.F. 2320
S.F. 2253 attached to H.F. 2343
S.F. 2254 attached to H.F. 2329
S.F. 2316
S.F. 2317
S.F. 2318
S.F. 2319
S.F. 2321

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:27 a.m. until 1:00 p.m., Monday, March 19, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lahoma N. Counts, Mason City—For her 20 years of service as Executive Director of the Elderbridge Agency on Aging and her advocacy for older adults. Senator Ragan (3/15/12).

Father Kenneth Gehling, Mason City—For his 50 years of service with the Catholic Church. Senator Ragan (3/15/12).

Wyatt Henkenius, Corning—For his nomination to the Iowa Basketball Coaches Association 22nd Annual Academic All-State Team. Senator Ernst (3/15/12).

Jacob Porter, Waterloo—For being named a University of Iowa Presidential Scholar for 2012. Senator Danielson (3/15/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, March 15, 2012, 11:35 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, and Kibbie.

Members Absent: Hancock, Houser, Kapucian, and Rielly (all excused).

Committee Business: Passed SFs 2092 and 2292.

Recessed: 11:45 a.m.

Reconvened: 11:50 a.m.

Adjourned: 11:55 a.m.

APPROPRIATIONS

Convened: Thursday, March 15, 2012, 11:15 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Danielson and Houser (both excused).

Committee Business: Passed HF 2422.

Adjourned: 11:25 a.m.

COMMERCE

Convened: Thursday, March 15, 2012, 11:00 a.m.

Members Present: McCoy, Chair; Beall, Bolkcom, Courtney, Kettering, Mathis, Schoenjahn, Seng, Ward, and Zaun.

Members Absent: Rielly, Vice Chair; Anderson, Ranking Member; Bertrand, Feenstra, and Wilhelm (all excused).

Committee Business: Passed HF 2301.

Adjourned: 11:05 a.m.

HUMAN RESOURCES

Convened: Tuesday, March 13, 2012, 11:15 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Approved governor's appointees.

Adjourned: 11:30 a.m.

ALSO:

Convened: Wednesday, March 14, 2012, 1:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Passed HF's 2306, 2345, 2368, 2387, and 2388. Passed HF's 2226 and 2305 as amended.

Adjourned: 2:30 p.m.

JUDICIARY

Convened: Thursday, March 15, 2012, 11:55 a.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Ward, and Whitver.

Members Absent: Sorenson (excused).

Committee Business: Passed HF's 2321, 2370, 2379, and 2399. Passed HF's 490 and 2390 as amended. Approved governor's appointee.

Recessed: 12:00 p.m.

Reconvened: 12:20 p.m.

Adjourned: 1:00 p.m.

STATE GOVERNMENT

Convened: Tuesday, March 13, 2012, 10:40 a.m.

Members Present: Danielson, Chair; Sorenson, Ranking Member; Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors.

Members Absent: Kibbie, Vice Chair; and Bertrand (both excused).

Committee Business: Passed HF's 2285 and 2427. Approved governor's appointees.

Recessed: 10:45 a.m.

Reconvened: 10:55 a.m.

Adjourned: 11:05 a.m.

ALSO:

Convened: Wednesday, March 14, 2012, 1:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors.

Members Absent: Bertrand (excused).

Committee Business: Passed HF's 2319 and 2400. Approved governor's appointees.

Adjourned: 1:15 p.m.

SUBCOMMITTEE ASSIGNMENT

House File 2422

APPROPRIATIONS: Dvorsky, Chair; Bartz, Black, Boettger, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, McCoy, Ragan, Schoenjahn, and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 2092, a bill for an act providing for the year-round operation of farmers markets, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, and Kibbie. Nays, none. Absent, 4: Hancock, Houser, Kapucian, and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2292, a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, and Kibbie. Nays, none. Absent, 4: Hancock, Houser, Kapucian, and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Bill Title: HOUSE FILE 2422, a bill for an act relating to sex offender notification, providing penalties, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 2: Danielson and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: HOUSE FILE 2301, a bill for an act requiring advance notification to utilities by specified owners of alternate energy production facilities of construction or installation of the facility.

Recommendation: DO PASS.

Final Vote: Ayes, 10: McCoy, Beall, Bolkcom, Courtney, Kettering, Mathis, Schoenjahn, Seng, Ward, and Zaun. Nays, none. Absent, 5: Rielly, Anderson, Bertrand, Feenstra, and Wilhelm.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 2264, a bill for an act relating to interment rights of certain veterans and their spouses in cemeteries owned and controlled by governmental subdivisions.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, and Ragan. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2402, a bill for an act permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, and Ragan. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2404, a bill for an act relating to the extension of the effective date of a driver's license for a person serving on active duty in military service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, and Ragan. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

EDUCATION

Joshua Cobbs – Iowa Autism Council
Theresa Croonquist – Iowa Autism Council
Jeff Gitchel – Iowa Autism Council
Steven Muller – Iowa Autism Council
Linda Wessels – Iowa Autism Council

Michael Bunde – Early Childhood Iowa State Board
David Discher – Early Childhood Iowa State Board
Leone Junck – Early Childhood Iowa State Board
Sigrid Lane – Early Childhood Iowa State Board
Rae Miller – Early Childhood Iowa State Board
Robert Ockerman – Early Childhood Iowa State Board
Jean Stadtlander – Early Childhood Iowa State Board
Betty Zan – Early Childhood Iowa State Board

Diane Crookham-Johnson – State Board of Education
Charles Edwards Jr. – State Board of Education
William “Mike” May – State Board of Education

Annette Shaw – Iowa Higher Education Loan Authority

Gretchen Tegeler – School Budget Review Committee

JUDICIARY

W. Thomas Phillips – Board of Parole

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 15th day of March, 2012.

Senate File 2218.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5093	S.F.	2316	Matt McCoy
S-5094	S.F.	2316	Steven Sadders
S-5095	S.F.	365	Pam Jochum

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 19, 2012

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Hein of New Hope Church in Adel, Iowa. He was the guest of Senator Behn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Iry Eicher.

The Journal of Thursday, March 15, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2380, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, school districts, and accredited nonpublic schools; and providing for the retention of certain fees and for the use of certain funds.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on March 15, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2318, a bill for an act relating to the transmission and recording of certain death certificates.

Read first time and referred to committee on **State Government**.

BILLS REFERRED TO COMMITTEES

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	2003	Transportation
S.F.	2017	Natural Resources and Environment
S.F.	2042	Commerce
S.F.	2068	Natural Resources and Environment
S.F.	2090	State Government
S.F.	2119	Human Resources
S.F.	2154	State Government
S.F.	2169	Transportation
S.F.	2210	Commerce
S.F.	2255	Economic Growth/Rebuild Iowa
S.F.	2256	Transportation
S.F.	2258	Education
S.F.	2259	Judiciary
S.F.	2262	State Government
S.F.	2266	Local Government
S.F.	2273	State Government
S.F.	2274	State Government
S.F.	2281	Natural Resources and Environment
S.F.	2290	Agriculture
S.F.	2297	Judiciary
S.F.	2300	State Government
S.F.	2305	Judiciary

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:26 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:27 p.m., President Kibbie presiding.

The Senate stood at ease at 1:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:55 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2316 and 2321.

Senate File 2316

On motion of Senator McCoy, **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Soddors offered amendment S-5094, filed by him on March 15, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5094 was adopted by a voice vote.

Senator McCoy offered amendment S-5093, filed by him on March 15, 2012, to pages 2 and 6 of the bill, and moved its adoption.

Amendment S-5093 was adopted by a voice vote.

Senator McCoy offered amendment S-5099, filed by Senators McCoy and Bacon from the floor to page 4 of the bill, and moved its adoption.

Amendment S-5099 was adopted by a voice vote.

Senator Danielson offered amendment S-5097, filed by him from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

The Senate stood at ease at 3:13 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:24 p.m., President Kibbie presiding.

On the question "Shall amendment S-5097 be adopted?" (S.F. 2316), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 30:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kibbie	Sodders
Black	Fraise	Mathis	Sorenson
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hancock	Quirmbach	
Courtney	Hatch	Ragan	

Nays, 20:

Bacon	Ernst	Houser	Seymour
Behn	Feenstra	Johnson	Smith
Boettger	Greiner	Kapucian	Ward
Chelgren	Hahn	Kettering	Whitver
Dix	Hamerlinck	McKinley	Zaun

Absent, none.

Amendment S-5097 was adopted.

Senator Black offered amendment S-5104, filed by Senators Black and Johnson from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5104 was adopted by a voice vote.

Senator Chelgren offered amendment S-5105, filed by him from the floor to page 5 of the bill.

(Senate File 2316 and amendment S-5105 were deferred.)

The Senate stood at ease at 3:44 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 3:55 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2316 and amendment S-5105, previously deferred.

Senator Chelgren withdrew amendment S-5105.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2316** be **deferred**.

Senate File 2321

On motion of Senator Schoenjahn, **Senate File 2321**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Schoenjahn offered amendment S-5096, filed by him from the floor to pages 5 and 29 of the bill, and moved its adoption.

Amendment S-5096 was adopted by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2321), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2318 and 2317.

Senate File 2318

On motion of Senator Hatch, **Senate File 2318**, a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318), the vote was:

Yeas, 45:

Bacon	Dotzler	Houser	Schoenjahn
Bartz	Dvorsky	Jochum	Seng
Beall	Ernst	Johnson	Seymour
Behn	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hancock	McKinley	Zaun
Courtney	Hatch	Quirnbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 5:

Anderson	Dix	Sorenson
Bertrand	Hamerlinck	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2317

On motion of Senator Black, **Senate File 2317**, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, placed in the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2317** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2318** and **2321** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2245, 2145, 524, and 2285.

House File 2245

On motion of Senator Bowman, **House File 2245**, a bill for an act relating to requirements for the enactment of the state percent of growth and the categorical state percent of growth and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bowman offered amendment S-5053, filed by the committee on Education on March 7, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bartz raised the point of order that amendment S-5053 impermissibly set combined allowable growth percentages in violation of Iowa Code Section 257.8.

The Chair ruled that House File 2245 proposed a change in the policy of the allowable growth sections of the Iowa Code and that amendment S-5053 merely reinstated the existing Code language in a manner consistent with the allowable growth bills previously passed by the Senate. Accordingly, the Chair ruled the point was not well-taken.

Senator Bowman moved the adoption of amendment S-5053.

A record roll call was requested.

On the question "Shall amendment S-5053 be adopted?" (H.F. 2245), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders

Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Amendment S-5053 was adopted.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2245), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 2145

On motion of Senator Rielly, **House File 2145**, a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2145), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 524

On motion of Senator Bowman, **House File 524**, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bowman offered amendment S-5010, filed by the committee on Local Government on February 8, 2012, to pages 1-4 of the bill, and moved its adoption.

Amendment S-5010 was adopted by a voice vote.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 524), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2285

On motion of Senator Danielson, **House File 2285**, a bill for an act relating to the definition of hydronic for purposes of the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2285), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 524, 2145, 2245, and 2285** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2101 and 2226.

House File 2101

On motion of Senator Rielly, **House File 2101**, a bill for an act relating to preparation and recording of public land survey corner certificates, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2101), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2226

On motion of Senator Dotzler, **House File 2226**, a bill for an act relating to child abuse reports and disposition data, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dotzler offered amendment S-5091, filed by the committee on Human Resources on March 14, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5091 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2226), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2101** and **2226** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 365

Senator Jochum called up for consideration **Senate File 365**, a bill for an act relating to the placement of a juvenile on youthful offender status in district court, amended by the House in House amendment S-3246, filed April 13, 2011.

Senator Jochum offered amendment S-5095, filed by her on March 15, 2012, to pages 1-2 and amending the title provisions of House amendment S-3246, and moved its adoption.

Amendment S-5095 to amendment S-3246 was adopted by a voice vote.

Senator Jochum moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Jochum moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 365), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

The Senate stood at ease at 5:16 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:32 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 2316

The Senate resumed consideration of **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, previously deferred.

Senator McCoy offered amendment S-5106, filed by him from the floor to pages 2 and 5 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S-5106 and **Senate File 2316** be **deferred**.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2250.

Senate File 2250

On motion of Senator Bolckcom, **Senate File 2250**, a bill for an act relating to planning and service delivery under the purview of the department on aging including the designation of area agencies on aging, and including effective date provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Bolckcom offered amendment S-5050, filed by him on March 7, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5050 was adopted by a voice vote.

With the adoption of amendment S-5050, the Chair ruled amendment S-5037, filed by Senator Bolkcom on February 29, 2012, to page 2 of the bill, out of order.

Senator Bolkcom asked and received unanimous consent that **House File 2320** be **substituted** for **Senate File 2250**.

House File 2320

On motion of Senator Bolkcom, **House File 2320**, a bill for an act relating to planning and service delivery under the purview of the department on aging including the designation of area agencies on aging, and including effective date provisions, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2320), the vote was:

Yeas, 29:

Beall	Gronstal	Mathis	Sodders
Black	Hancock	McCoy	Ward
Bolkcom	Hatch	Quirnbach	Whitver
Bowman	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	Zaun
Dearden	Jochum	Schoenjahn	
Dotzler	Johnson	Seng	
Dvorsky	Kapucian	Seymour	

Nays, 21:

Anderson	Chelgren	Greiner	McKinley
Bacon	Courtney	Hahn	Smith
Bartz	Dix	Hamerlinck	Sorenson
Behn	Ernst	Houser	
Bertrand	Feenstra	Kettering	
Boettger	Fraise	Kibbie	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Bolcom asked and received unanimous consent that **Senate File 2250** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 365** and **House File 2320** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2317

The Senate resumed consideration of **Senate File 2317**, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, previously deferred.

Senator Hamerlinck withdrew amendment S-5103, filed by him from the floor to page 3 of the bill.

Senator McKinley offered amendment S-5098, filed by him from the floor to page 13 and amending the title page of the bill, and moved its adoption.

Amendment S-5098 was adopted by a voice vote.

Senator Dearden offered amendment S-5078, filed by him on March 12, 2012, to page 14 and amending the title page of the bill, and moved its adoption.

Amendment S-5078 was adopted by a voice vote.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2317), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2317** be **immediately messaged** to the House.

The Senate stood at ease at 5:51 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:20 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 2316

The Senate resumed consideration of **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, and amendment S-5106, previously deferred.

Senator Seymour offered amendment S-5107, filed by Senators Seymour and Bartz from the floor to page 1 of amendment S-5016, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5107 to amendment S-5016 be adopted?" (S.F. 2316), the vote was:

Yeas, 19:

Bacon	Ernst	Houser	Seymour
Bartz	Feenstra	Johnson	Sodders
Behn	Greiner	Kapucian	Ward
Boettger	Hahn	Kettering	Zaun
Chelgren	Hamerlinck	McKinley	

Nays, 31:

Anderson	Dearden	Hogg	Rielly
Beall	Dix	Horn	Schoenjahn
Bertrand	Dotzler	Jochum	Seng
Black	Dvorsky	Kibbie	Smith
Bolkcom	Fraise	Mathis	Sorenson
Bowman	Gronstal	McCoy	Whitver
Courtney	Hancock	Quirnbach	Wilhelm
Danielson	Hatch	Ragan	

Absent, none.

Amendment S-5107 lost.

Senator Bartz called for the following division of amendment S-5106:

Division S-5106A: Page 1, lines 2-10; and

Division S-5106B: Page 1, line 11.

Senator McCoy moved the adoption of division S-5106A.

A record roll call was requested.

On the question "Shall division S-5106A be adopted?" (S.F. 2316), the vote was:

Yeas, 30:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kibbie	Sodders
Black	Fraise	Mathis	Sorenson
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hancock	Quirnbach	
Courtney	Hatch	Ragan	

Nays, 20:

Bacon	Ernst	Houser	Seymour
Behn	Feenstra	Johnson	Smith
Boettger	Greiner	Kapucian	Ward
Chelgren	Hahn	Kettering	Whitver
Dix	Hamerlinck	McKinley	Zaun

Absent, none.

Division S-5106A was adopted.

Senator McCoy moved the adoption of division S-5106B.

A record roll call was requested.

On the question "Shall division S-5106B be adopted?" (S.F. 2316), the vote was:

Yeas, 48:

Anderson	Danielson	Hogg	Ragan
Bacon	Dearden	Horn	Rielly
Bartz	Dix	Houser	Schoenjahn
Beall	Dotzler	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Bertrand	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Courtney	Hancock	Quirnbach	Zaun

Nays, 2:

Dvorsky Hatch

Absent, none.

Division S-5106B was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2316), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2316** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:52 p.m. until 9:00 a.m., Tuesday, March 20, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Alexandra Bartlett, Clive—For being named a 2012 University of Iowa Presidential Scholar. Senator Ward (3/19/12).

Joseph P. Ernst, Muscatine—For achieving the rank of Eagle Scout, Troop 104. Senator Hahn (3/19/12).

Thomas R. Keller, Muscatine—For achieving the rank of Eagle Scout, Troop 104. Senator Hahn (3/19/12).

Enid Mart, Vinton—For celebrating her 92nd birthday. Senator Kapucian (3/19/12).

Viola McNeill, Vinton—For celebrating her 90th birthday. Senator Kapucian (3/19/12).

Elaine Mou, West Des Moines—For being named a 2012 University of Iowa Presidential Scholar. Senator Ward (3/19/12).

Samuel Schulte, West Des Moines—For being named a 2012 University of Iowa Presidential Scholar. Senator Ward (3/19/12).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Monday, March 19, 2012, 1:25 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Assigned governor's appointees to Senate standing committees.

Adjourned: 1:30 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 13, 2012, 9:30 a.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Ragan, and Sadders.

Members Absent: Kibbie (excused).

Committee Business: Passed HF 2403. Approved governor's appointees.

Adjourned: 9:45 a.m.

STUDY BILL RECEIVED

SSB 3195 **Ways and Means**

Providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2318

STATE GOVERNMENT: Danielson, Chair; Feenstra and Jochum

SSB 3195

WAYS AND MEANS: Dotzler, Chair; Mathis and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: HOUSE FILE 490, a bill for an act creating a certificate of merit affidavit in a medical malpractice action.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5101.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2321, a bill for an act amending provisions in the uniform commercial code relating to secured transactions, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2370, a bill for an act relating to civil actions relating to real estate, including mortgage foreclosure actions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2379, a bill for an act relating to expunging certain criminal records, and including applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2390, a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5102.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2399, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 16, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2218 – Relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

RACING AND GAMING COMMISSION, STATE (Sec. 99D.5)

Dolores Mertz, Ottosen

05/01/2012 – 04/30/2015

VISION IOWA BOARD (Sec. 15F.102)

Tracy Erlandson, Onawa

03/16/2012 – 04/30/2013

Tara Olivencia, West Des Moines

03/14/2012 – 04/30/2013

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 19, 2012:

STATE GOVERNMENT

Dolores Mertz – State Racing and Gaming Commission

Tracy Erlandson – Vision Iowa Board

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 19, 2012, to investigate the appointment and reappointment of the following appointees:

STATE GOVERNMENT

As a member of the State Racing and Gaming Commission:

DOLORES MERTZ – Kibbie, Chair; McCoy and Dix

As a member of the Vision Iowa Board:

TRACY ERLANDSON – Sodders, Chair; McCoy and Dix

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

VETERANS AFFAIRS

Willard Wallace – Commission of Veterans Affairs

Jon Wille – Commission of Veterans Affairs

Mickey Williams – Commission of Veterans Affairs

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 16, 2012:

I am writing to withdraw the nomination of Tara Olivencia from the city of West Des Moines in Polk County, Iowa for appointment as a member of the Vision Iowa Board, pursuant to Iowa Code Section 15F.102. According to the code, all board members shall be residents of different counties. Ms. Olivencia is from the same county as another member.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-5096	S.F.	2321	Brian Schoenjahn
S-5097	S.F.	2316	Jeff Danielson
S-5098	S.F.	2317	Paul McKinley
S-5099	S.F.	2316	Matt McCoy Robert Bacon
S-5100	H.F.	2315	Thomas G. Courtney
S-5101	H.F.	490	Judiciary
S-5102	H.F.	2390	Judiciary
S-5103	S.F.	2317	Shawn Hamerlinck
S-5104	S.F.	2316	Dennis H. Black David Johnson
S-5105	S.F.	2316	Mark Chelgren
S-5106	S.F.	2316	Matt McCoy
S-5107	S.F.	2316	James A. Seymour Merlin Bartz

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 20, 2012

The Senate met in regular session at 9:09 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Pastor Isaiah Brown of Our Savior's Baptist Church in Des Moines, Iowa. He was the guest of Senators Boettger and Hatch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Shannon Goes.

The Journal of Monday, March 19, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:17 a.m. until 9:00 a.m., Wednesday, March 21, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

FY 2011 Annual Report, pursuant to Iowa Code section 411.5. Report received on March 20, 2012.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2011, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF HUMAN SERVICES – Report received on March 20, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Blaine Bastin, Muscatine—For achieving a position as semifinalist in the Iowa National Geographic Bee. Senator Hahn (3/20/12).

Pastor Isaiah Brown, Our Savior's Baptist Church, Des Moines—For blessing us with the opening prayer in the Iowa Senate. Senator Beall (3/20/12).

Stuart McCalmont, Denmark—For achieving the rank of Eagle Scout, Troop 19. Senator Fraise (3/20/12).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Tuesday, March 20, 2012, 1:35 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Bowman, Feenstra, Johnson, Smith, and Soddors.

Members Absent: Boettger, Dvorsky, Hogg, and Wilhelm (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 1:45 p.m.

VETERANS AFFAIRS

Convened: Thursday, March 15, 2012, 10:50 a.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, and Ragan.

Members Absent: Soddors (excused).

Committee Business: Passed HFs 2264, 2402, and 2404.

Adjourned: 10:55 a.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2284

APPROPRIATIONS: Schoenjahn, Chair; Boettger, Dvorsky, Hogg, and Kettering

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2285, the following correction was made:

1. Page 69, line 25: add the word “section” before “15E.120”.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of March, 2012.

Senate Files 2146, 2202, 2212, 2247, 2279, and 2285.

MICHAEL E. MARSHALL
Secretary of the Senate

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Brook Rosenberg – Early Childhood Iowa State Board

AMENDMENT FILED

S-5108 H.F. 2335 Tom Hancock

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 21, 2012

The Senate met in regular session at 9:08 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Jacob Greiner, a Seminarian at the University of St. Thomas and a chaplain candidate with the Iowa National Guard in Waterloo, Iowa. He was the guest and nephew of Senator Greiner.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jordan Grube.

The Journal of Tuesday, March 20, 2012, was approved.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Alexa Zylstra and representatives from Pella's Seventy-seventh Annual Tulip Time Festival. Queen Zylstra invited the Senate to attend this year's festival on May 3, 4, and 5, 2012.

Queen Zylstra introduced the following members of her court: Kelly Anderson, Hanna Martin, Sarah Van Maanen, and Taylor Van Woerkom.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 20, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2122, a bill for an act exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

Senate File 2153, a bill for an act increasing the size of the commercial and industrial highway network.

Senate File 2163, a bill for an act relating to an exception from state certification for adult day services programs.

Senate File 2172, a bill for an act relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable.

Senate File 2188, a bill for an act relating to the renewal period for foster care licensing.

Senate File 2265, a bill for an act providing for notarial acts, providing for fees, and including effective date provisions.

Senate File 2269, a bill for an act relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

Senate File 2294, a bill for an act relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate.

ALSO: That the House has on March 20, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 479, a bill for an act providing for the possession of cats classified as bengals and savannahs. (S-5110)

Senate File 2164, a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities. (S-5111)

Senate File 2221, a bill for an act requiring background checks for school bus drivers and making penalties applicable. (S-5112)

Senate File 2312, a bill for an act relating to persons with mental health illnesses and substance-related disorders. (S-5113)

Senate File 2313, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters. (S-5114)

Senate File 2314, a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund. (S-5115)

The Senate stood at ease at 9:22 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:49 a.m., President Pro Tempore Danielson presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:50 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:13 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2368.

House File 2368

On motion of Senator Bolkcom, **House File 2368**, a bill for an act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2368), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2368** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2338.

House File 2338

On motion of Senator Hogg, **House File 2338**, a bill for an act relating to appropriations to the judicial branch, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky offered amendment S-5058, filed by him on March 7, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5058 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2338), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2301.

House File 2301

On motion of Senator Wilhelm, **House File 2301**, a bill for an act requiring advance notification to utilities by specified owners of alternate energy production facilities of construction or installation of the facility, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2301), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2338** be **immediately messaged** to the House.

The Senate stood at ease at 2:31 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:46 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2369.

House File 2369

On motion of Senator Wilhelm, **House File 2369**, a bill for an act relating to the issuance of a burial transit permit, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm offered amendment S-5119, filed by her from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-5119 was adopted by a voice vote.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2369), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2301** and **2369** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2336 and 2335.

House File 2336

On motion of Senator Black, **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Black offered amendment S-5057, filed by the committee on Appropriations on March 7, 2012, striking and replacing everything after the enacting clause of the bill.

Senator Black offered amendment S-5118, filed by him from the floor to pages 4, 6, and 12 and amending the title provisions of amendment S-5057, and moved its adoption.

Amendment S-5118 to amendment S-5057 was adopted by a voice vote.

Senator Black moved the adoption of amendment S-5057, as amended.

Amendment S-5057, as amended, was adopted.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2336), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 2335

On motion of Senator Hancock, **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hancock offered amendment S-5056, filed by the committee on Appropriations on March 7, 2012, striking and replacing everything after the enacting clause of the bill.

Senator Hancock offered amendment S-5108, filed by him on March 20, 2012, to pages 10 and 13 of amendment S-5056, and moved its adoption.

A nonrecord roll call was requested.

The yeas were 25, nays 24.

Amendment S-5108 was adopted.

Senator Hancock offered amendment S-5081, filed by him on March 13, 2012, to page 16 of amendment S-5056 and moved its adoption.

Amendment S-5081 was adopted by a voice vote.

Senator Hancock offered amendment S-5109, filed by him from the floor to page 16 of amendment S-5056, and moved its adoption.

Amendment S-5109 to amendment S-5056 was adopted by a voice vote.

Senator Hancock moved the adoption of amendment S-5056, as amended.

A record roll call was requested.

On the question "Shall amendment S-5056, as amended, be adopted?" (H.F. 2335), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Amendment S-5056, as amended, was adopted.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2335), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2321.

House File 2321

On motion of Senator Hogg, **House File 2321**, a bill for an act amending provisions in the uniform commercial code relating to secured transactions, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2321), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2321, 2335, and 2336** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2319.

Senate File 2319

On motion of Senator Bolkcom, **Senate File 2319**, a bill for an act relating to the property tax assessments of certain rental property for low-income and moderate income residents, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Feenstra asked and received unanimous consent that action on **Senate File 2319** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he returns, on request of Senator Behn.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2404, 2403, and 2402.

House File 2404

On motion of Senator Beall, **House File 2404**, a bill for an act relating to the extension of the effective date of a driver's license for a person serving on active duty in military service, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2404), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2403

On motion of Senator Danielson, **House File 2403**, a bill for an act relating to requirements for a commercial driver's license for certain persons transitioning from military service, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2403), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2402

On motion of Senator Beall, **House File 2402**, a bill for an act permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2402), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2402, 2403, and 2404** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2390, 2387, 2383, and 2379.

House File 2390

On motion of Senator Fraise, **House File 2390**, a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Fraise offered amendment S-5102, filed by the committee on Judiciary on March 19, 2012, to page 3 of the bill, and moved its adoption.

Amendment S-5102 was adopted by a voice vote.

Senator Boettger asked and received unanimous consent that action on **House File 2390** be **deferred**.

House File 2387

On motion of Senator Jochum, **House File 2387**, a bill for an act relating to improvements to and implementation of laws concerning elder abuse, with report of committee recommending passage, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2387), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2383

On motion of Senator Bowman, **House File 2383**, a bill for an act relating to mandatory reporting of school employee misconduct to the board of educational examiners, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2383), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2379

On motion of Senator Jochum, **House File 2379**, a bill for an act relating to expunging certain criminal records, and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Ward asked and received unanimous consent to withdraw amendment S-5116, filed by Senators Ward and Jochum from the floor to pages 1 and 3 of the bill.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2379), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2379, 2383, and 2387** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2370 and 2092.

House File 2370

On motion of Senator Hogg, **House File 2370**, a bill for an act relating to civil actions relating to real estate, including mortgage foreclosure actions, with report of committee recommending passage, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2370), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2092

On motion of Senator Seng, **House File 2092**, a bill for an act providing for the year-round operation of farmers markets, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Sorenson offered amendment S-5121, filed by him from the floor to page 1 of the bill.

Senator Johnson raised the point of order that amendment S-5121 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5121 out of order.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2092), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2092** and **2370** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2306, 2305, 2264, 2228, and 2168.

House File 2306

On motion of Senator Ragan, **House File 2306**, a bill for an act relating to the membership of the medical assistance advisory council, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2306), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2305

On motion of Senator Bolkcom, **House File 2305**, a bill for an act relating to the powers and duties of the department on aging, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S-5092, filed by the committee on Human Resources on March 14, 2012, to pages 2 and 7 of the bill, and moved its adoption.

Amendment S-5092 was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2305), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 1:

McKinley

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable William Fink, former member of the Senate from Warren County, Indianola, Iowa.

The Senate rose and expressed its welcome.

House File 2264

On motion of Senator Beall, **House File 2264**, a bill for an act relating to interment rights of certain veterans and their spouses in cemeteries owned and controlled by governmental subdivisions, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2264), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2228

On motion of Senator Hancock, **House File 2228**, a bill for an act relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to reduce speed in specific situations, with report of committee recommending passage, was taken up for consideration.

Senator McCoy offered amendment S-5120, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-5120 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2228), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 2168

On motion of Senator McCoy, **House File 2168**, a bill for an act relating to the authorized deposit of public funds, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S-5024, filed by the committee on Commerce on February 27, 2012, to page 2 of the bill, and moved its adoption.

Amendment S-5024 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2168), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng

Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2168, 2228, 2264, 2305, and 2306** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2144.

House File 2144

On motion of Senator Wilhelm, **House File 2144**, a bill for an act relating to permissible forms of ownership of transmission facilities subject to a joint agreement for generating, purchasing, or otherwise acquiring electric power and energy, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2144), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2144** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Evelyn Rank, Accountancy Examining Board
 Robert Snodgrass, Accountancy Examining Board
 Tommy Thompson, Accountancy Examining Board

Bryan Burton, Commission on the Status of African Americans
 Shanna Cramer, Commission on the Status of African Americans
 L. Duane Murray, Commission on the Status of African Americans
 Clair Rudison, Jr., Commission on the Status of African Americans
 Kimberly Wayne, Commission on the Status of African Americans

Jill Bjerke, Commission on Aging
 Richard Stone, Commission on Aging

Lyle Borg, Agricultural Development Authority
John Fredrickson, Agricultural Development Authority
Mark Leonard, Agricultural Development Authority

Tami Doll, Alcoholic Beverages Commission

Linda Alfson Schemmel, Architectural Examining Board
Bruce Bassler, Architectural Examining Board

Yolanda Duerson, Commission of Asian and Pacific Islander Affairs
Benjamin Jung, Commission of Asian and Pacific Islander Affairs
Trinh Le, Commission of Asian and Pacific Islander Affairs
Albert Liu, Commission of Asian and Pacific Islander Affairs
Karlai Thornburg, Commission of Asian and Pacific Islander Affairs

Geoffrey Jensen, Board of Athletic Training
Christina Taylor, Board of Athletic Training

Joshua Cobbs, Iowa Autism Council
Theresa Croonquist, Iowa Autism Council
Jeff Gitchele, Iowa Autism Council
Steven Muller, Iowa Autism Council
Linda Wessels, Iowa Autism Council

Gwendolyn Ecklund, Board of Barbering
Valerie Felton, Board of Barbering

Amy Crow Sunleaf, Board of Behavioral Science

James Omvig, Sr., Commission for the Blind

John Calisesi, Board of Chiropractic
Aaron Martin, Board of Chiropractic

James Halverson, City Development Board

Kelly Busch, Commission on Community Action Agencies
Marc Lindeen, Commission on Community Action Agencies

Don Nguyen, Board of Cosmetology Arts and Sciences

Dave Cale, Credit Union Review Board
Timothy Marcsisak, Credit Union Review Board
Becky Zemlicka, Credit Union Review Board

Theresa Legg, Commission of Deaf Services
Jennifer Upah, Commission of Deaf Services

Lori Elmitt, Board of Dentistry
Matthew McCullough, Board of Dentistry
Nancy Slach, Board of Dentistry

Bridget Drapeaux, Board of Dietetics
Steven Kury, Board of Dietetics

Mary Chavez, Commission of Persons with Disabilities
Harry Van Grevenhof, Commission of Persons with Disabilities
Brandon Wensman, Commission of Persons with Disabilities

Christopher Atchison, Prevention of Disabilities Policy Council
Beth Jones, Prevention of Disabilities Policy Council
Cheryll Jones, Prevention of Disabilities Policy Council
Susan Lerdal, Prevention of Disabilities Policy Council

David Lorenzen, Iowa Drug Policy Advisory Council
Christina Wilson, Iowa Drug Policy Advisory Council

Michael Bunde, Early Childhood Iowa State Board
David Discher, Early Childhood Iowa State Board
Leone Junck, Early Childhood Iowa State Board
Sigrid Lane, Early Childhood Iowa State Board
Rae Miller, Early Childhood Iowa State Board
Robert Ockerman, Early Childhood Iowa State Board
Jean Stadlander, Early Childhood Iowa State Board
Betty Zan, Early Childhood Iowa State Board

Diane Crookham-Johnson, State Board of Education
Charles Edwards Jr., State Board of Education
William "Mike" May, State Board of Education

Terry Butler, Iowa Emergency Response Commission
Julie Waltz, Iowa Emergency Response Commission

Cloyd "Robby" Robinson, Employment Appeal Board

Christy VanBuskirk, Engineering and Land Surveying Examining Board

Marlee Walton, Engineering and Land Surveying Examining Board

Stephen Hammes, Iowa Great Places Board
Kerrie Kuiper, Iowa Great Places Board
Gayle Redman, Iowa Great Places Board

Joseph Hutter, Healthy and Well Kids in Iowa (HAWK-I) Board
Mary Mincer Hansen, Healthy and Well Kids in Iowa (HAWK-I)
Board

Dorothy Walters, Board of Hearing Aid Dispensers

Annette Shaw, Iowa Higher Education Loan Authority

Sara Herman, Interior Design Examining Board
Serena Zwanziger, Interior Design Examining Board

Timothy Adams, Landscape Architectural Examining Board
David Fjare, Landscape Architectural Examining Board

Sal Alaniz, Commission of Latino Affairs
Juan Rodriguez, Commission of Latino Affairs

Regina Clemens, Iowa Law Enforcement Academy Council
Marti Crumes-Morrow, Iowa Law Enforcement Academy Council

Matthew McDermott, Iowa Lottery Authority Board of Directors

Coy Clark, Board of Massage Therapy

Julie Perkins, Board of Medicine

Neil Broderick, Mental Health and Disability Services Commission
Jill Davisson, Mental Health and Disability Services Commission
Debra Schildroth, Mental Health and Disability Services Commission
Patrick Schmitz, Mental Health and Disability Services Commission
Suzanne Watson, Mental Health and Disability Services Commission

Linda Dunshee, Mental Health Risk Pool Board
Rick Larkin, Mental Health Risk Pool Board
Andrew Nielsen, Mental Health Risk Pool Board
Raymond Todd, Mental Health Risk Pool Board

Bradley Hawn, Board of Mortuary Science
Norene Mostkoff, Board of Mortuary Science

Connie Boyd, Board of Nursing

Maureen Cahill, Board of Nursing Home Administrators
David Chensvold, Board of Nursing Home Administrators
Patrice Herrera, Board of Nursing Home Administrators
Mabel Mantel, Board of Nursing Home Administrators
Dawnita Neff, Board of Nursing Home Administrators

Richard Jacobson, Board of Optometry
Barbara Washburn, Board of Optometry

W. Thomas Phillips, Board of Parole

Chris Mayer, Peace Officers' Retirement, Accident, and Disability
System Trustee

Susan Frey, Board of Pharmacy
Edward McKenna, Board of Pharmacy

Jaclyn Fleming, Board of Physical and Occupational Therapy

Joel Jernstad, Board of Physician Assistants
Jolene Kelly, Board of Physician Assistants
Teresa Lee, Board of Physician Assistants

Mickey Gage, Plumbing and Mechanical Systems Examining Board
Rodney Schultz, Plumbing and Mechanical Systems Examining Board

Mindi Feilmeier, Board of Podiatry
Sarah Kleffman, Board of Podiatry

Brandon Davis, Board of Psychology
John Dilley, Board of Psychology

Janelle Niebuhr (Appointment & Reappointment), Public Employment
Relations Board

Kristine Kramer, State Racing and Gaming Commission

Amanda Luscombe, Real Estate Appraiser Examining Board
Joan Scotter, Real Estate Appraiser Examining Board

Terry Duggan, Real Estate Commission
Carol Haines, Real Estate Commission

Lisa Kingery, Board of Respiratory Care
Arlene Lee, Board of Respiratory Care

Gretchen Tegeler, School Budget Review Committee

John Gannon, Board of Sign Language Interpreters
and Transliterators

Diana Kautzky, Board of Sign Language Interpreters
and Transliterators

Stephanie Lyons, Board of Sign Language Interpreters
and Transliterators

Mark Hillenbrand, Board of Social Work

Denise Renaud, Board of Speech Pathology and Audiology
 Jon Schuttinga, Board of Speech Pathology and Audiology
 J. Michael Tysklind, Board of Speech Pathology and Audiology

Richard Bruner, Chairperson of the Iowa Telecommunications and Technology Commission

Kathleen Kohorst, Iowa Telecommunications and Technology Commission

Mikki Stier, Commission on Tobacco Use Prevention and Control

Amy Reasner, State Transportation Commission
 Charese Yanney, State Transportation Commission

Willard Wallace, Commission of Veterans Affairs
 Jon Wille, Commission of Veterans Affairs

Janet Sears, Iowa Board of Veterinary Medicine
 Curtis Youngs, Iowa Board of Veterinary Medicine

Mollie Phukan, Vision Iowa Board
 Cathy Reece, Vision Iowa Board
 Charese Yanney, Vision Iowa Board

Elizabeth Coonan, Commission on the Status of Women
 David Gudenkauf, Commission on the Status of Women
 Brian Mueller, Commission on the Status of Women

Rachel Hurley, Iowa Workforce Development Board
 Ken Sagar, Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders

Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

BUSINESS PENDING

Senate File 2319

The Senate resumed consideration of **Senate File 2319**, a bill for an act relating to the property tax assessments of certain rental property for low-income and moderate income residents, previously deferred.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2319), the vote was:

Yeas, 46:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kibbie	Ward
Bolkcom	Greiner	Mathis	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	

Nays, 3:

Kettering McKinley Zaun

Present, 1:

Hatch

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2319** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 21, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2096, a bill for an act relating to reimbursements for certain state prisoners confined in a county jail.

Senate File 2159, a bill for an act relating to child support enforcement including protection of child support information.

Senate File 2160, a bill for an act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

Senate File 2185, a bill for an act relating to the supervision of physician assistants.

Senate File 2186, a bill for an act relating to medical assistance eligibility for inmates of public institutions.

Senate File 2225, a bill for an act relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy.

Senate File 2248, a bill for an act relating to the licensed professionals authorized to prescribe respiratory care services.

Senate File 2280, a bill for an act relating to boiler inspections.

Senate File 2288, a bill for an act relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable.

Senate File 2296, a bill for an act relating to the criminal offense of solicitation to commit murder and providing a penalty.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:16 p.m. until 9:00 a.m., Thursday, March 22, 2012.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

Seven 5th–8th grade students from St. Paul Lutheran School, Fort Dodge, accompanied by teachers Robyn Kratz and Emily Woelfel. Senator Beall.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, March 21, 2012, 1:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed SF 2291 as amended. Passed HF 2166. Approved SSB 3195.

Recessed: 1:10 p.m.

Reconvened: 1:35 p.m.

Adjourned: 2:10 p.m.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2166, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Anderson, Bartz, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5109	H.F.	2335	Tom Hancock
S-5110	S.F.	479	House
S-5111	S.F.	2164	House
S-5112	S.F.	2221	House
S-5113	S.F.	2312	House
S-5114	S.F.	2313	House
S-5115	S.F.	2314	House
S-5116	H.F.	2379	Pat Ward Pam Jochum
S-5117	H.F.	2345	Nancy J. Boettger Brad Zaun Jerry Behn Kent Sorenson Bill Anderson Rick Bertrand Joni K. Ernst James F. Hahn Robert Bacon James A. Seymour

			David Johnson
			Sandra Greiner
			Mark Chelgren
			Randy Feenstra
			Tim L. Kapucian
			Paul McKinley
			Jack Whitver
S-5118	H.F.	2336	Dennis H. Black
S-5119	H.F.	2369	Mary Jo Wilhelm
S-5120	H.F.	2228	Matt McCoy
S-5121	H.F.	2092	Kent Sorenson

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 22, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cub Scout Pack 38 from Clive and Windsor Elementary Schools. They were the guests of Senators Ward and Zaun.

The Journal of Wednesday, March 21, 2012, was approved.

BILLS REFERRED TO UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the Unfinished Business Calendar:

H.F. 490	H.F. 2323
H.F. 561	H.F. 2388
H.F. 563	H.F. 2399
H.F. 609	H.F. 2400
H.F. 2231	H.F. 2422
H.F. 2292	H.F. 2427
H.F. 2319	H.F. 2428

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:21 a.m. until 1:00 p.m., Monday, March 26, 2012.

APPENDIX

INTRODUCTION OF BILLS

Senate File 2322, by committee on Ways and Means, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2323, by committee on Ways and Means, a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit and including applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2322 (SSB 3195), a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2323 (formerly SF 2291), a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2323, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 22, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2146 – Relating to meeting requirements for rural water districts.

Senate File 2202 – Relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

Senate File 2212 – Relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

Senate File 2247 – Relating to terminology changes in Iowa Code references to mental retardation.

Senate File 2279 – Relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, superintendent management authority, individual development accounts held at credit unions and other financial institutions, and making penalties applicable.

Senate File 2285 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Colleen Pasnik as a member of the Board of Medicine, is now automatically placed, without recommendation, upon the individual confirmation calendar.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 26, 2012

The Senate met in regular session at 1:09 p.m., President Kibbie presiding.

Prayer was offered by Reverend Dr. Eric C. Kutzli, pastor of the Mamrelund Lutheran Church in Stanton, Iowa. He was the guest of Senator Ernst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nina Liu.

The Journal of Thursday, March 22, 2012, was approved.

SPECIAL GUESTS

Senator Johnson introduced to the Senate chamber Becky Allgood, Delene McConnaha, and Pam Freeland, representing the Herbert Hoover Presidential Library Association, the Hoover Presidential Library-Museum, and the Hoover National Historic Site in West Branch.

The Senate rose and expressed its welcome.

President Kibbie announced the 2011 Herbert Hoover Uncommon Public Service Award recipient, Senator Steven J. Soddors.

The Senate rose and expressed its congratulations.

President Kibbie introduced to the Senate chamber Senator Sodder's family.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2323** be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:27 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:02 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2322.

Senate File 2322

On motion of Senator Dotzler, **Senate File 2322**, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions, was taken up for consideration.

Senator Feenstra offered amendment S-5129, filed by him from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Dotzler raised the point of order that amendment S-5129 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5129 out of order.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2322), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2314

Senator McCoy called up for consideration **Senate File 2314**, a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, amended by the House in House amendment S-5115, filed March 21, 2012.

Senator McCoy moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2314), the vote was:

Yeas, 45:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Fraise	Kapucian	Sorenson
Black	Greiner	Kibbie	Ward
Boettger	Gronstal	Mathis	Whitver
Bolkcom	Hahn	McCoy	Wilhelm
Bowman	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 5:

Chelgren	Kettering	Zaun
Feenstra	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2313

Senator Jochum called up for consideration **Senate File 2313**, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, amended by the House in House amendment S-5114, filed March 21, 2012.

Senator Jochum moved that the Senate concur and vote “No” in the House amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT CONSIDERED

Senate File 2260

Senator Hogg called up for consideration **Senate File 2260**, a bill for an act revising the Iowa nonprofit corporation Act, amended by the House in House amendment S-5083, filed March 13, 2012.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2260), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2260, 2313, 2314, and 2322** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2249

Senator Bowman called up for consideration **Senate File 2249**, a bill for an act relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements, and including effective date provisions, amended by the House in House amendment S-5080, filed March 13, 2012.

Senator Bowman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bowman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2249), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2221

Senator Dvorsky called up for consideration **Senate File 2221**, a bill for an act requiring background checks for school bus drivers and making penalties applicable, amended by the House in House amendment S-5112, filed March 21, 2012.

Senator Dvorsky moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dvorsky moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2221), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2164

Senator Dotzler called up for consideration **Senate File 2164**, a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities, amended by the House in House amendment S-5111, filed March 21, 2012.

Senator Dotzler moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2164), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2428.

House File 2428

On motion of Senator Rielly, **House File 2428**, a bill for an act relating to the movement of certain combinations of vehicles on economic export corridors established by the department of transportation, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2428), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 21, 2012)

House File 2390

The Senate resumed consideration of **House File 2390**, a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable, deferred March 21, 2012.

Senator Boettger withdrew amendment S-5127, filed by her from the floor to page 4 and amending the title page of the bill.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2390), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2164, 2221, and 2249** and **House Files 2390 and 2428** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Beth Townsend as Director of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on March 13, 2012, found on page 553 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Brook Rosenberg as a member of the Early Childhood Iowa State Board, placed on the Individual Confirmation Calendar on March 20, 2012, found on page 610 of the Senate Journal.

Senator Quirmbach moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Ragan
Bacon	Dix	Horn	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Ernst	Jochum	Seng
Behn	Feenstra	Johnson	Seymour
Bertrand	Fraise	Kapucian	Smith
Black	Greiner	Kettering	Sorenson
Boettger	Gronstal	Kibbie	Ward
Bolkcom	Hahn	Mathis	Whitver
Chelgren	Hamerlinck	McCoy	Wilhelm
Courtney	Hancock	McKinley	Zaun
Danielson	Hatch	Quirmbach	

Nays, 3:

Bowman	Dvorsky	Sodders
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Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Donna Mueller as Chief Executive Officer of the IPERS, placed on the Individual Confirmation Calendar on March 14, 2012, found on page 569 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm

Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Brian Ohorilko as Administrator of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on March 14, 2012, found on page 569 of the Senate Journal.

Senator Danielson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2388 and 2231.

House File 2388

On motion of Senator Hatch, **House File 2388**, a bill for an act relating to maximizing hospital-specific disproportionate share hospital payments, and providing for contingent implementation, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2388), the vote was:

Yeas, 31:

Beall	Dearden	Hogg	Ragan
Black	Dotzler	Horn	Rielly
Boettger	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kettering	Seng
Bowman	Greiner	Kibbie	Seymour
Chelgren	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	

Nays, 19:

Anderson	Dix	Houser	Sorenson
Bacon	Ernst	Johnson	Ward
Bartz	Feenstra	Kapucian	Whitver
Behn	Hahn	McKinley	Zaun
Bertrand	Hamerlinck	Smith	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2231

On motion of Senator Schoenjahn, **House File 2231**, a bill for an act relating to residency qualifications for memorial hospital commissioners, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2231), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2166.

House File 2166

On motion of Senator Dotzler, **House File 2166**, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2166), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 2320** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2166, 2231, and 2388** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:13 p.m. until 9:00 a.m., Tuesday, March 27, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Senator Beverly A. Hannon, Marion—For celebrating her 80th birthday. Senator Ragan (3/26/12).

Iowa City VA Hospital—Upon the occasion of its 60th anniversary. Senator Dvorsky (3/26/12).

Mark Henry Farlinger, Cresco—For achieving the rank of Eagle Scout, Troop 261, Winnebago Council. Senator Wilhelm (3/26/12).

Senator Steven J. Soddors, Marshall County—For receiving the Herbert Hoover Uncommon Public Service Award. Senators Johnson and Kibbie (3/26/12).

STUDY BILL RECEIVED

SSB 3196 Ways and Means

Relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 3196

WAYS AND MEANS: Mathis, Chair; Black and Feenstra

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2203, the following corrections were made:

1. Page 77, line 31: add period after "Pub".
2. Page 123, line 2: add word "section" before "602.4201".

MICHAEL E. MARSHALL
Secretary of the Senate

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of March, 2012.

Senate File 2203.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5122	H.F.	561	Robert M. Hogg
S-5123	H.F.	561	Robert M. Hogg
S-5124	H.F.	561	Robert M. Hogg
S-5125	H.F.	561	Robert M. Hogg
S-5126	H.F.	561	Robert M. Hogg
S-5127	H.F.	2390	Nancy J. Boettger
S-5128	H.F.	2329	Dick L. Dearden
S-5129	S.F.	2322	Randy Feenstra
S-5130	H.F.	2329	Dick L. Dearden

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 27, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Reverend Julia Poulsen of the First United Methodist Church in Jefferson, Iowa. She was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Peggy Osmundson.

The Journal of Monday, March 26, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:09 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 27, 2012, **refused to concur** in the Senate amendment to the following bills in which the concurrence of the House was asked:

House File 2335, a bill for an act relating to appropriations to the justice system, and providing effective dates.

House File 2336, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

House File 2338, a bill for an act relating to appropriations to the judicial branch.

The Senate stood at ease at 1:10 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 1:40 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Tom Triplett, Interior Design Examining Board

Mickey Williams, Commission of Veterans Affairs

Karen "Dee" Vanderhoef, Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2312

Senator Hatch called up for consideration **Senate File 2312**, a bill for an act relating to persons with mental health illnesses and substance-related disorders, amended by the House in House amendment S-5113, filed March 21, 2012.

Senator Hatch moved that the Senate concur and vote “No” in the House amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

President Pro Tempore Danielson took the chair at 1:50 p.m.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2253.

Senate File 2253

On motion of Senator Dearden, **Senate File 2253**, a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Dearden asked and received unanimous consent that **House File 2343** be **substituted** for **Senate File 2253**.

House File 2343

On motion of Senator Dearden, **House File 2343**, a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal, was taken up for consideration.

Senator Black asked and received unanimous consent that action on **House File 2343** be **deferred**.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2292.

House File 2292

On motion of Senator Kibbie, **House File 2292**, a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S-5135, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5135 was adopted by a voice vote.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2292), the vote was:

Yeas, 45:

Bacon	Dix	Horn	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders

Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Wilhelm
Chelgren	Hahn	McCoy	Zaun
Courtney	Hancock	McKinley	
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 5:

Anderson	Hamerlinck	Whitver
Bertrand	Sorenson	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2312** and **House File 2292** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:11 p.m. until 9:00 a.m., Wednesday, March 28, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Reverend Julia Poulsen, First United Methodist Church, Jefferson—For blessing us with the opening prayer in the Iowa Senate. Senator Beall (3/27/12).

The citizens of Quimby, Iowa—For celebrating their community's quasiquicentennial. Senator Anderson (3/27/12).

INTRODUCTION OF RESOLUTION

Senate Resolution 117, by Hancock, Dotzler, Danielson, Dvorsky, Bowman, Wilhelm, Sodders, Ragan, Jochum, Hatch, Mathis, Quirnbach, Beall, Schoenjahn, Courtney, Gronstal, Fraise, Dearden, Horn, Zaun, Behn, Sorenson, Anderson, Bertrand, Ernst, Boettger, Bacon, Bartz, Johnson, Ward, Kapucian, Hamerlinck, and Kibbie, a resolution urging Congress and the President of the United States to protect Iowa's Air National Guard units from additional budget cuts.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED**SSB 3197 Appropriations**

Concerning public safety, by establishing a public safety training and equipment trust fund, establishing a public safety standards, training, and facilities task force, and making appropriations.

SSB 3198 Appropriations

Making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2323**

APPROPRIATIONS: Danielson, Chair; Johnson and Ragan

SSB 3197

APPROPRIATIONS: Danielson, Chair; Dvorsky and Kettering

SSB 3198

APPROPRIATIONS: Dvorsky, Chair; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, McCoy, Ragan, Schoenjahn, and Seymour

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 27th day of March, 2012.

Senate Files 2096, 2122, 2153, 2159, 2160, 2163, 2172, 2185, 2186, 2188, 2225, 2248, 2269, 2280, 2288, 2294, and 2296.

MICHAEL E. MARSHALL
Secretary of the Senate

WITHDRAWAL OF
GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 27, 2012:

I am withdrawing the name of Tracy Erlandson to serve as a member of the Vision Iowa Board from further consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-5131	H.F.	561	Robert M. Hogg
S-5132	H.F.	561	Robert M. Hogg
S-5133	H.F.	561	Robert M. Hogg
S-5134	H.F.	561	Robert M. Hogg
S-5135	H.F.	2292	John P. Kibbie
S-5136	H.F.	2329	Kent Sorenson
S-5137	H.F.	561	Pam Jochum
S-5138	H.F.	561	Pam Jochum
S-5139	H.F.	561	Pam Jochum

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 28, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Adam Pitts.

The Journal of Tuesday, March 27, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 27, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2097, a bill for an act relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions.

Senate File 2165, a bill for an act relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

Senate File 2220, a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools.

Senate File 2231, a bill for an act relating to the practices and procedures of the state public defender.

ALSO: That the House has on March 27, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 413, a bill for an act relating to financial responsibilities of local emergency management commissions. (S-5142)

Senate File 2208, a bill for an act relating to the confidentiality of an arrest warrant. (S-5143)

Senate File 2216, a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions. (S-5144)

Senate File 2321, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions. (S-5145)

ALSO: That the House has on March 28, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2168, a bill for an act relating to the authorized deposit of public funds.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Keith Kreiman, former member of the Senate from Davis County, Bloomfield, Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2267, a bill for an act concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

ALSO: That the House has on March 28, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2245, a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home. (S-5149)

Senate File 2289, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services. (S-5150)

Senate File 2316, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions. (S-5148)

The Senate stood at ease at 4:11 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:39 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Behn.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Doris Kelley as Chairperson of the Board of Parole, placed on the Individual Confirmation Calendar on March 13, 2012, found on page 553 of the Senate Journal.

Senator Hogg moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Thomas Greene as a member of the Commission on Tobacco Use Prevention and Control, placed on the Individual Confirmation Calendar on March 13, 2012, found on page 553 of the Senate Journal.

Senator Quirmbach moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

UNFINISHED BUSINESS (Deferred March 6, 2012)

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage, deferred March 6, 2012.

Senator Sodders offered amendment S-5147, filed by him from the floor, striking and replacing everything after the enacting clause of the bill.

Senator Bertrand asked and received unanimous consent that action on amendment S-5147 and **Senate File 2286** be **deferred**.

INTRODUCTION OF BILL

Senate File 2324, by committee on Appropriations, a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2324 (SSB 3198), a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Dvorsky, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 2: McCoy and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2324, and they were attached to the committee report.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2324.

Senate File 2324

On motion of Senator Dotzler, **Senate File 2324**, a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2324), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Bertrand	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2324** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2427, 2323, and 609.

House File 2427

On motion of Senator Danielson, **House File 2427**, a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler offered amendment S-5141, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5141 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2427), the vote was:

Yeas, 38:

Anderson	Dearden	Horn	Schoenjahn
Bacon	Dix	Jochum	Seng
Bartz	Dotzler	Kapucian	Sodders
Beall	Dvorsky	Kibbie	Sorenson
Bertrand	Fraise	Mathis	Ward
Black	Gronstal	McCoy	Whitver
Bolkcom	Hahn	McKinley	Wilhelm
Bowman	Hancock	Quirnbach	Zaun
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	

Nays, 11:

Behn	Ernst	Hamerlinck	Seymour
Boettger	Feenstra	Johnson	Smith
Chelgren	Greiner	Kettering	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2323

On motion of Senator Wilhelm, **House File 2323**, a bill for an act relating to city utilities and city enterprises by making changes to requirements related to residential rental property, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm offered amendment S-5140, filed by her from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5140 was adopted by a voice vote.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2323), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 609

On motion of Senator Hogg, **House File 609**, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment S-5052, filed by the committee on Judiciary on March 7, 2012, to pages 1, 2, 7, 12, 18, and amending the title page of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 609), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Bertrand	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Courtney	Hancock	Quirmbach	Zaun

Nays, 1:

Dvorsky

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 609, 2323, and 2427** be **immediately messaged** to the House.

The Senate stood at ease at 5:18 p.m. until the fall of the gavel.

The Senate resumed session at 6:00 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage, and amendment S-5147, previously deferred.

Senator Seng offered amendment S-5151, filed by Senators Seng and Johnson from the floor to page 2 of amendment S-5147, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5151 to amendment S-5147 be adopted?" (S.F. 2286), the vote was:

Yeas, 22:

Anderson	Bowman	Hamerlinck	Seymour
Bacon	Dix	Johnson	Smith
Bartz	Ernst	Kapucian	Sorenson
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	
Boettger	Hahn	Seng	

Nays, 27:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Sodders
Chelgren	Gronstal	Mathis	Ward
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	Zaun
Dearden	Hogg	Ragan	

Absent, 1:

Houser

Amendment S-5151 to amendment S-5147 lost.

Senator Sodders moved the adoption of amendment S-5147.

Amendment S-5147 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2286), the vote was:

Yeas, 35:

Bartz	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schoenjahn
Black	Feenstra	Kettering	Seng
Boettger	Fraise	Kibbie	Seymour
Bolkcom	Gronstal	Mathis	Sodders
Chelgren	Hamerlinck	McCoy	Ward
Courtney	Hancock	McKinley	Wilhelm
Danielson	Hatch	Quirnbach	Zaun
Dearden	Hogg	Ragan	

Nays, 14:

Anderson	Bowman	Hahn	Sorenson
Bacon	Dix	Johnson	Whitver
Behn	Ernst	Kapucian	
Bertrand	Greiner	Smith	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2286** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:11 p.m. until 9:00 a.m., Thursday, March 29, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Cooking with Kids Foundation—For addressing childhood obesity by encouraging families to cook at home with their children. Senators Mathis, Sodders, and Horn (3/28/12).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast gallery:

Thirteen International Fulbright Scholars from Kirkwood Community College, Cedar Rapids, accompanied by Steve Ovel. Senator Beall.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Wednesday, March 28, 2012, 2:05 p.m.

Members Present: Dvorsky, Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: McCoy, Vice Chair; and Houser (both excused).

Committee Business: Approved SSB 3198.

Adjourned: 2:15 p.m.

AMENDMENTS FILED

S-5140	H.F.	2323	Mary Jo Wilhelm
S-5141	H.F.	2427	William Dotzler
S-5142	S.F.	413	House
S-5143	S.F.	2208	House
S-5144	S.F.	2216	House
S-5145	S.F.	2321	House
S-5146	H.F.	561	Joe Bolkcom
S-5147	S.F.	2286	Steven Sodders

S-5148	S.F.	2316	House
S-5149	S.F.	2245	House
S-5150	S.F.	2289	House
S-5151	S.F.	2286	Joe M. Seng David Johnson

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 29, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by a Quartet from the University of Northern Iowa in Cedar Falls, Iowa. They were the guests of Senator Danielson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Britney Samuelson.

The Journal of Wednesday, March 28, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2038, a bill for an act relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

Senate File 2137, a bill for an act relating to certain property taxes for joint county-city buildings and including applicability provisions.

ALSO: That the House has on March 28, 2012, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2228, a bill for an act relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to reduce speed in specific situations.

House File 2369, a bill for an act relating to the issuance of a burial transit permit.

House File 2390, a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable.

ALSO: That the House has on March 28, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2317, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees. (S-5152)

Senate File 2237, a bill for an act concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling. (S-5153)

ALSO: That the House has on March 28, 2012, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2292, a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable. (S-5154)

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:14 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:19 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:20 a.m. until 1:00 p.m., Monday, April 2, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

SPC Brianna Alva, Davenport—For placing first in the Female Military Light Division of the 23rd Annual Bataan Memorial Death March as a member of the Iowa Army National Guard's Team Marilyn Gabbard. Senator Ernst (3/29/12).

SPC Rachele Feil, Dubuque—For placing first in the Female Military Light Division of the 23rd Annual Bataan Memorial Death March as a member of the Iowa Army National Guard's Team Marilyn Gabbard. Senator Ernst (3/29/12).

SSG Lani Hefel, Ankeny—For placing first in the Female Military Light Division of the 23rd Annual Bataan Memorial Death March as a member of the Iowa Army National Guard's Team Marilyn Gabbard. Senator Ernst (3/29/12).

SGT Torey Lasater, Conrad—For placing first in the Female Military Light Division of the 23rd Annual Bataan Memorial Death March as a member of the Iowa Army National Guard's Team Marilyn Gabbard. Senator Ernst (3/29/12).

PFC Allison McCready, Cedar Falls—For placing first in the Female Military Light Division of the 23rd Annual Bataan Memorial Death March as a member of the Iowa Army National Guard's Team Marilyn Gabbard. Senator Ernst (3/29/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, March 29, 2012, 10:30 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Houser (excused).

Committee Business: Passed SFs 2284 and 2323.

Recessed: 10:35 a.m.

Reconvened: 10:50 a.m.

Adjourned: 10:55 a.m.

RULES AND ADMINISTRATION

Convened: Thursday, March 29, 2012, 9:15 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 117. Approved governor's appointees.

Adjourned: 9:20 a.m.

WAYS AND MEANS

Convened: Wednesday, March 28, 2012, 3:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed SFs 2050, 2168, and 2309. Approved SSBs 3131 and 3196.

Recessed: 3:05 p.m.

Reconvened: 3:40 p.m.

Adjourned: 4:05 p.m.

INTRODUCTION OF BILLS

Senate File 2325, by committee on Ways and Means, a bill for an act relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2326, by committee on Ways and Means, a bill for an act increasing the amount of generating capacity eligible for the renewable energy tax credit.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 117, a resolution urging Congress and the President of the United States to protect Iowa's Air National Guard units from additional budget cuts.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2325 (SSB 3196), a bill for an act relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2326 (formerly SF 2050), a bill for an act increasing the amount of generating capacity eligible for the renewable energy tax credit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, 1: Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2326, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 29, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2203 – Relating to nonsubstantive Code corrections and including effective date provisions.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

COMMUNITY ACTION AGENCIES, COMMISSION ON (Sec. 216A.92A)	
Anna Hilpipre, Brooklyn	05/01/2012 – 04/30/2015
ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)	
Cindy Greiman, Garner	03/28/2012 – 04/30/2013
Max Smith, Knoxville	05/01/2012 – 04/30/2015
LATINO AFFAIRS, COMMISSION OF (Sec. 216A.12)	
Maria Lara, Carlisle	05/01/2012 – 04/30/2016

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 29, 2012:

HUMAN RESOURCES

Maria Lara – Commission of Latino Affairs

NATURAL RESOURCES AND ENVIRONMENT

Cindy Greiman – Environmental Protection Commission

Max Smith – Environmental Protection Commission

STATE GOVERNMENT

Anna Hilpipe – Commission on Community Action Agencies

AMENDMENTS FILED

S-5152	S.F.	2317	House
S-5153	S.F.	2237	House
S-5154	H.F.	2292	House

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 5, 2012

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Pastor Jon Anenson of the Lutheran Church of Hope in West Des Moines, Iowa. He was the guest of Senator Whitver.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Britney Samuelson.

The Journal of Thursday, March 1, 2012, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2309** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 1:31 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:58 p.m., President Kibbie presiding.

RECESS

On motion of Senator Dvorsky, the Senate recessed at 2:59 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 4:44 p.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2058, 2160, 2269, and 2270.

Senate File 2058

On motion of Senator McCoy, **Senate File 2058**, a bill for an act relating to certain records of city utilities and city enterprises containing private customer information, with report of committee recommending passage, was taken up for consideration.

Senator McCoy offered amendment S-5021, filed by him on February 23, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5021 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2058), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm

Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2160

On motion of Senator Wilhelm, **Senate File 2160**, a bill for an act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance, was taken up for consideration.

Senator Wilhelm offered amendment S-5035, filed by her on February 29, 2012, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5035 was adopted by a voice vote.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2160), the vote was:

Yeas, 43:

Anderson	Dix	Hogg	Ragan
Bacon	Dotzler	Horn	Rielly
Bartz	Dvorsky	Houser	Schoenjahn
Beall	Ernst	Jochum	Seng
Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Bolkcom	Gronstal	Kibbie	Sorenson
Bowman	Hahn	Mathis	Ward
Courtney	Hamerlinck	McCoy	Whitver
Danielson	Hancock	McKinley	Wilhelm
Dearden	Hatch	Quirnbach	

Nays, 7:

Behn	Chelgren	Kettering	Zaun
Boettger	Greiner	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2269

On motion of Senator Kibbie, **Senate File 2269**, a bill for an act relating to the land application of wastewater from on-farm processing operations, and including effective date provisions, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2269), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2270

On motion of Senator Mathis, **Senate File 2270**, a bill for an act relating to the state comprehensive Alzheimer's disease response strategy, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2270), the vote was:

Yeas, 44:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Fraise	Johnson	Smith
Boettger	Greiner	Kapucian	Sodders
Bolkcom	Gronstal	Kibbie	Sorenson
Bowman	Hahn	Mathis	Ward
Chelgren	Hamerlinck	McCoy	Whitver
Courtney	Hancock	Quirmbach	Wilhelm

Nays, 6:

Behn	Feenstra	McKinley
Ernst	Kettering	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

President Pro Tempore Danielson welcomed to the Senate chamber the Honorable William Heckroth, former member of the Senate from Bremer County, Waverly, Iowa.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2058, 2160, 2269, and 2270** be **immediately messaged** to the House.

President Kibbie took the chair at 5:08 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he returns, on request of Senator Zaun.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2307, 2304, 2306, 2303, and 2295.

Senate File 2307

On motion of Senator Jochum, **Senate File 2307**, a bill for an act relating to the sealing of juvenile delinquency records, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2307), the vote was:

Yeas, 47:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Seymour
Black	Feenstra	Johnson	Smith
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kettering	Sorenson
Bowman	Gronstal	Kibbie	Ward
Chelgren	Hahn	Mathis	Whitver
Courtney	Hamerlinck	McCoy	Wilhelm
Danielson	Hancock	Quirmbach	

Nays, 2:

McKinley Zaun

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2304

On motion of Senator Sodders, **Senate File 2304**, a bill for an act requiring an aggravated misdemeanor to submit a DNA sample and including effective date provisions, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2304), the vote was:

Yeas, 33:

Bacon	Dvorsky	Jochum	Seng
Bartz	Ernst	Johnson	Sodders
Beall	Fraise	Kapucian	Ward
Black	Gronstal	Kibbie	Whitver
Bowman	Hancock	Mathis	Wilhelm
Courtney	Hatch	McKinley	Zaun
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	
Dotzler	Houser	Schoenjahn	

Nays, 16:

Anderson	Chelgren	Hahn	Quirnbach
Bertrand	Dix	Hamerlinck	Seymour
Boettger	Feenstra	Kettering	Smith
Bolkcom	Greiner	McCoy	Sorenson

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2306

On motion of Senator Hogg, **Senate File 2306**, a bill for an act relating to right to cure notices under the consumer credit code, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2306), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2303

On motion of Senator Seng, **Senate File 2303**, a bill for an act providing for persons associated with licensed veterinarians, and providing for fees, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2303), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Soddors
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2295

On motion of Senator Hogg, **Senate File 2295**, a bill for an act modifying the periods of time to bring civil and criminal actions relating to the sexual abuse of minors, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2295), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Soddors
Black	Fraise	Kettering	Sorenson

Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2295, 2303, 2304, 2306, and 2307** be **immediately messaged** to the House.

The Senate stood at ease at 5:35 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:44 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2279, 2282, 2283, and 2285.

Senate File 2279

On motion of Senator Bolkcom, **Senate File 2279**, a bill for an act relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, superintendent management authority,

individual development accounts held at credit unions and other financial institutions, and making penalties applicable, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2279), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2282

On motion of Senator Hancock, **Senate File 2282**, a bill for an act concerning the definitions of “all-terrain vehicle” and “off-road utility vehicle” for purposes of provisions administered by the department of natural resources, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2282), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2283

On motion of Senator Black, **Senate File 2283**, a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2283), the vote was:

Yeas, 48:

Anderson	Dix	Hogg	Ragan
Bacon	Dotzler	Horn	Rielly
Beall	Dvorsky	Houser	Schoenjahn
Bertrand	Ernst	Jochum	Seng
Black	Feenstra	Johnson	Seymour
Boettger	Fraise	Kapucian	Smith

Bolkcom	Greiner	Kettering	Sodders
Bowman	Gronstal	Kibbie	Sorenson
Chelgren	Hahn	Mathis	Ward
Courtney	Hamerlinck	McCoy	Whitver
Danielson	Hancock	McKinley	Wilhelm
Dearden	Hatch	Quirmbach	Zaun

Nays, 1:

Bartz

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2285

On motion of Senator Whitver, **Senate File 2285**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Whitver moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2285), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm

Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2279, 2282, 2283, and 2285** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2171, 2267, 2288, 2289, 2312, and 2311.

Senate File 2171

On motion of Senator Seng, **Senate File 2171**, a bill for an act relating to third-party payment of services provided by a doctor of chiropractic, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2171), the vote was:

Yeas, 40:

Anderson	Dearden	Hatch	Quirnbach
Bacon	Dotzler	Hogg	Ragan
Bartz	Dvorsky	Horn	Rielly
Beall	Feenstra	Houser	Schoenjahn

Bertrand	Fraise	Jochum	Seng
Black	Greiner	Johnson	Smith
Bolkcom	Gronstal	Kapucian	Sodders
Bowman	Hahn	Kibbie	Sorenson
Courtney	Hamerlinck	Mathis	Wilhelm
Danielson	Hancock	McCoy	Zaun

Nays, 9:

Boettger	Ernst	Seymour
Chelgren	Kettering	Ward
Dix	McKinley	Whitver

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2267

On motion of Senator Quirnbach, **Senate File 2267**, a bill for an act concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable, was taken up for consideration.

Senator Quirnbach offered amendment S-5041, filed by him from the floor to pages 9 and 13 of the bill, and moved its adoption.

Amendment S-5041 was adopted by a voice vote.

Senator Quirnbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2267), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward

Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2288

On motion of Senator Hancock, **Senate File 2288**, a bill for an act relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2288), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2289

On motion of Senator Hatch, **Senate File 2289**, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2289), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2312

On motion of Senator Hatch, **Senate File 2312**, a bill for an act relating to persons with mental health illnesses and substance-related disorders, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2312), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Soddors
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2311

On motion of Senator Rielly, **Senate File 2311**, a bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2311), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2171, 2267, 2288, 2289, 2311, and 2312** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:29 p.m. until 9:00 a.m., Tuesday, March 6, 2012.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Neva Baehne, Charles City—For celebrating her 90th birthday. Senator Bartz (3/5/12).

Pearl Boyer, Charles City—For celebrating her 100th birthday. Senator Bartz (3/5/12).

John Geater, Vinton—For celebrating his 90th birthday. Senator Kapucian (3/5/12).

Tylar Goddard, Chariton—For achieving the rank of Eagle Scout, Troop 149. Senator McKinley (3/5/12).

Pauline Hofmeister, Osage—For celebrating her 95th birthday. Senator Bartz (3/5/12).

Robert and Wilma Hughes, Charles City—For celebrating their 60th wedding anniversary. Senator Bartz (3/5/12).

Mena Johnson, Northwood—For celebrating her 95th birthday. Senator Bartz (3/5/12).

Irvin and Betty Junge, Keystone—For celebrating their 65th wedding anniversary. Senator Kapucian (3/5/12).

Celia Kaiser, Charles City—For celebrating her 85th birthday. Senator Bartz (3/5/12).

Maynard and Lorraine Kingery, Charles City—For celebrating their 65th wedding anniversary. Senator Bartz (3/5/12).

Beulah Mohler, Toledo—For celebrating her 95th birthday. Senator Kapucian (3/5/12).

Joseph Morrett, Chariton—For achieving the rank of Eagle Scout, Troop 149. Senator McKinley (3/5/12).

Muscatine Girl Scout Service Unit 836—To congratulate them on their 100th anniversary. Senator Hahn (3/5/12).

Don and Ruth Rowe, Fredericksburg—For celebrating their 50th wedding anniversary. Senator Bartz (3/5/12).

Mel Schilling (Mr. Hy-Vee), Charles City—For celebrating his 89th birthday. Senator Bartz (3/5/12).

Ethel Smith, Chariton—For celebrating her 95th birthday. Senator McKinley (3/5/12).

Doris Snyder, Wellsburg—For celebrating her 95th birthday. Senator Kapucian (3/5/12).

Marjorie Staudt, Charles City—For celebrating her 85th birthday. Senator Bartz (3/5/12).

Palmen and Wava Valder, Lake Mills—For celebrating their 70th wedding anniversary. Senator Bartz (3/5/12).

Kenneth and Marlene White, Chariton—For celebrating their 75th wedding anniversary. Senator McKinley (3/5/12).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, March 5, 2012, 3:00 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Approved SSB 3181 as amended.

Recessed: 3:05 p.m.

Reconvened: 4:30 p.m.

Adjourned: 4:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2009

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

House File 2215

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

House File 2230

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Hahn and Hancock

House File 2285

STATE GOVERNMENT: Horn, Chair; Chelgren and Dearden

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of March, 2012.

Senate File 2170.

MICHAEL E. MARSHALL
Secretary of the Senate

GOVERNOR'S ITEM VETO MESSAGE

March 2, 2012

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit **Senate File 2071**, an Act relating to and making supplemental appropriations for fiscal year beginning July 1, 2011, and including effective dates.

Senate File 2071 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 1 in its entirety. This item reduces fiscal year 2012 state appropriations for utility expenses in most departments of state government by \$1,000,000. This reduction is not currently necessary as our budgeting practices have restored predictability and stability to the state budget.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2071 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-5041	S.F.	2267	Herman C. Quirmbach
S-5042	S.F.	2313	Pam Jochum

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 6, 2012

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Geoff Stafford of the New Heights Church in Indianola, Iowa. He was the guest of Senator Sorenson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hailey Albert.

The Journal of Monday, March 5, 2012, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2299** be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:24 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:27 a.m., President Kibbie presiding.

The Senate stood at ease at 9:28 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:14 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2286, 2280, and 2257.

Senate File 2286

On motion of Senator McCoy, **Senate File 2286**, a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2286** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bacon, until he returns, on request of Senator Behn.

Senate File 2280

On motion of Senator McCoy, **Senate File 2280**, a bill for an act relating to boiler inspections, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2280), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun

Courtney	Hancock	Quirnbach
Danielson	Hatch	Ragan
Dearden	Hogg	Rielly

Nays, none.

Absent, 1:

Bacon

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2257

On motion of Senator McCoy, **Senate File 2257**, a bill for an act relating to requirements for motorists approaching certain stationary vehicles on the highway, and providing penalties, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2257), the vote was:

Yeas, 49:

Anderson	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, none.

Absent, 1:

Bacon

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable Frank Wood, former member of the Senate from Scott County, Eldridge, Iowa.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2314.

Senate File 2314

On motion of Senator McCoy, **Senate File 2314**, a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for properly related matters, was taken up for consideration.

Senator Dvorsky offered amendment S-5044, filed by him from the floor to pages 1, 6-7, and amending the title page of the bill, and moved its adoption.

Amendment S-5044 was adopted by a voice vote.

Senator Chelgren withdrew amendment S-5039, filed by him on March 1, 2012, to page 7 of the bill.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2314), the vote was:

Yeas, 42:

Anderson	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Bertrand	Fraise	Johnson	Smith
Black	Greiner	Kapucian	Sodders

Boettger	Gronstal	Kibbie	Sorenson
Bolkcom	Hahn	Mathis	Ward
Bowman	Hamerlinck	McCoy	Whitver
Courtney	Hancock	Quirnbach	Wilhelm
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Nays, 7:

Behn	Ernst	Kettering	Zaun
Chelgren	Feenstra	McKinley	

Absent, 1:

Bacon

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2257, 2280, and 2314** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:43 a.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 1:41 p.m., President Kibbie presiding.

QUORUM CALL

Senator Dotzler requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent, and a quorum present.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 6, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2315, a bill for an act creating the manufactured housing program fund.

Read first time and attached to **companion Senate File 2226**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Johnson, until he returns, on request of Senator Behn; and Senator Courtney, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2296, 2277, 2292, and 2210.

Senate File 2296

On motion of Senator Hogg, **Senate File 2296**, a bill for an act relating to the criminal offense of solicitation to commit murder and providing a penalty, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2296), the vote was:

Yeas, 47:

Anderson	Dearden	Hatch	Rielly
Bacon	Dix	Hogg	Schoenjahn
Bartz	Dotzler	Horn	Seng

Beall	Dvorsky	Houser	Seymour
Behn	Ernst	Jochum	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McKinley	Wilhelm
Chelgren	Hamerlinck	Quirmbach	Zaun
Danielson	Hancock	Ragan	

Nays, 1:

McCoy

Absent, 2:

Courtney Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2277

On motion of Senator Bertrand, **Senate File 2277**, a bill for an act concerning the authority of a liquor control licensee to keep certain mixed drinks or cocktails on the licensed premises, was taken up for consideration.

Senator Bertrand moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2277), the vote was:

Yeas, 47:

Anderson	Danielson	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour
Bertrand	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver

Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	

Nays, 2:

Dearden	Sodders
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Absent, 1:

Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2292

On motion of Senator Courtney, **Senate File 2292**, a bill for an act to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof. WHEREAS, on August 15, 2011, the City Council passed a resolution ordering the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project of said City, and directed publication of a Notice of Hearing and Letting, pursuant to the provisions of Chapters 26 and 384 of the Code of Iowa, 2011; and WHEREAS, on September 19, 2011, said City entered into a contract for the construction of said improvements, covered by the resolution ordering construction hereinabove mentioned, with Pirc-Tobin Construction, Inc., which company thereafter filed its performance and maintenance bond with the City; and WHEREAS, said construction work has now been commenced and a portion completed by said contractor, and said contractor has been partially paid for such work from available bond proceeds of said City; and WHEREAS, doubts have arisen concerning the legality of the construction contract due to the omission of the publication of Notice of Hearing and Letting as required by Section 26.3 of the Iowa Code, and further due to said omission, doubts have arisen concerning the power of the Council to order disbursement of additional funds to the contractor and to issue and sell bonds to pay for the remaining cost of said improvements, and it is deemed

advisable to put such doubts forever at rest; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: Section 1. All proceedings heretofore taken by the City Council of Ankeny, Iowa, including all legal notices given, in connection with and pertaining to the execution of the contract with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, on September 19, 2011, for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project of said City and said contract itself, are hereby legalized, validated and confirmed, and shall constitute full authority for the said City Council to order the disbursement of the funds, including notes and bond funds, of said City to said contractor, and to issue and sell general obligations bonds, in the manner prescribed by law, to pay for the costs of said improvements, and said bonds when so issued, shall be valid, legal and binding obligations of said City. Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, shall be in full force and effect upon enactment, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2292), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Quirmbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Behn	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun

Nays, 1:

Sodders

Absent, 1:

Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2210

On motion of Senator Schoenjahn, **Senate File 2210**, a bill for an act concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2210** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2292** and **2296** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2308.

Senate File 2308

On motion of Senator Dotzler, **Senate File 2308**, a bill for an act relating to economic development by affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by abolishing the film tax credit program, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including

effective date and retroactive and other applicability provisions, was taken up for consideration.

Senator Dotzler offered amendment S-5043, filed by him from the floor to pages 17, 21, and 22 of the bill, and moved its adoption.

Amendment S-5043 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2308), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 1:

Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2313.

Senate File 2313

On motion of Senator Jochum, **Senate File 2313**, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, was taken up for consideration.

Senator Jochum offered amendment S-5042, filed by her on March 5, 2012, to page 8 of the bill, and moved its adoption.

Amendment S-5042 was adopted by a voice vote.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2313), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2308** and **2313** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senate File 2277

Senator Danielson called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2277 passed the Senate on March 6, 2012.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2277), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	McKinley	
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 1:

Sodders

Absent, none.

The motion prevailed.

Senator Danielson moved to reconsider the vote by which Senate File 2277 went to its last reading, which motion prevailed by a voice vote.

On motion of Senator Danielson, **Senate File 2277**, a bill for an act concerning the authority of a liquor control licensee to keep certain mixed drinks or cocktails on the licensed premises, was taken up for reconsideration.

Senator Danielson offered amendment S-5047, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5047 was adopted by a voice vote.

Senator Bertrand moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2277), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Quirnbach
Bacon	Dix	Hogg	Ragan
Bartz	Dotzler	Horn	Rielly
Beall	Dvorsky	Houser	Schoenjahn
Behn	Ernst	Jochum	Seng
Bertrand	Feenstra	Johnson	Seymour
Black	Fraise	Kapucian	Smith
Boettger	Greiner	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	Mathis	Whitver
Chelgren	Hamerlinck	McCoy	Wilhelm
Courtney	Hancock	McKinley	Zaun

Nays, 2:

Dearden	Sodders
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2277** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 6, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2247, a bill for an act relating to terminology changes in Iowa Code references to mental retardation.

Senate File 2285, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Senate File 2092, a bill for an act relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

ALSO: That the House has on March 6, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2227, a bill for an act relating to child labor requirements administered by the labor commissioner, making penalties applicable, and including effective date provisions.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2231, a bill for an act relating to residency qualifications for memorial hospital commissioners.

Read first time and referred to committee on **Local Government**.

House File 2292, a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable.

Read first time and referred to committee on **Agriculture**.

House File 2301, a bill for an act requiring advance notification to utilities by specified owners of alternate energy production facilities of construction or installation of the facility.

Read first time and referred to committee on **Commerce**.

House File 2305, a bill for an act relating to the powers and duties of the department on aging.

Read first time and referred to committee on **Human Resources**.

House File 2320, a bill for an act relating to the designation of area agencies on aging, and including effective date provisions.

Read first time and attached to **similar Senate File 2250**.

House File 2321, a bill for an act amending provisions in the uniform commercial code relating to secured transactions, and including effective date provisions.

Read first time and referred to committee on **Judiciary**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:45 p.m. until 9:00 a.m., Wednesday, March 7, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Otto Bieber, Davenport—For celebrating his 90th birthday. Senator Seng (3/6/12).

Iowa City West High School Girls' Basketball Team—For winning the Class 4A State Basketball Championship. Senator Dvorsky (3/6/12).

Kou Jianping—For being recognized as a distinguished guest of the people of Iowa. Senator Beall (3/6/12).

Jon and Peggy Young, Stanhope—For celebrating their 12th Leap Year Anniversary. Senator Bacon (3/6/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, March 6, 2012, 1:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Johnson (excused).

Committee Business: Passed HF 2284.

Adjourned: 1:15 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, March 6, 2012, 9:25 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Approved assignment of governor's appointees.

Adjourned: 9:30 a.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2241

EDUCATION: Quirmbach, Chair; Boettger and Schoenjahn

Senate File 2309

WAYS AND MEANS: Dotzler, Chair; Feenstra and Jochum

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 6th day of March, 2012.

Senate File 2127.

MICHAEL E. MARSHALL
Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 6, 2012, when the vote was taken on Senate Files 2257, 2280, and 2314. Had I been present, I would have voted "Aye" on all.

ROBERT BACON

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNORTERM

ACCOUNTANCY EXAMINING BOARD (Sec. 542.4)

Evelyn Rank, Clarinda	05/01/2012 – 04/30/2015
Robert Snodgrass, Creston	05/01/2012 – 04/30/2015
Tommy Thompson, Fairfield	05/01/2012 – 04/30/2015

AFRICAN AMERICANS, COMMISSION ON THE STATUS OF (Sec. 216A.142)

Bryan Burton, Waterloo	05/01/2012 – 04/30/2016
Shanna Cramer, Bettendorf	05/01/2012 – 04/30/2016
L. Duane Murray, West Des Moines	05/01/2012 – 04/30/2016
Clair Rudison, Jr., Des Moines	05/01/2012 – 04/30/2016
Kimberly Wayne, Des Moines	05/01/2012 – 04/30/2016

AGING, COMMISSION ON (Sec. 231.11)

Jill Bjerke, Davenport	05/01/2012 – 04/30/2016
Richard Stone, Marshalltown	05/01/2012 – 04/30/2016

AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)

Lyle Borg, Pella	05/01/2012 – 04/30/2018
John Fredrickson, Gowrie	05/01/2012 – 04/30/2018
Mark Leonard, Holstein	05/01/2012 – 04/30/2018

ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5)

Tami Doll, Council Bluffs	05/01/2012 – 04/30/2017
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ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)

Linda Alfson Schemmel, West Des Moines	05/01/2012 – 04/30/2015
Bruce Bassler, Ames	05/01/2012 – 04/30/2015

ASIAN AND PACIFIC ISLANDER AFFAIRS, COMMISSION OF (Sec. 216A.152)

Yolanda Duerson, Ankeny	05/01/2012 – 04/30/2016
Benjamin Jung, West Des Moines	05/01/2012 – 04/30/2016
Trinh Le, Des Moines	05/01/2012 – 04/30/2016
Albert Liu, Urbandale	05/01/2012 – 04/30/2016
Karlai Thornburg, Ames	03/01/2012 – 04/30/2014

ATHLETIC TRAINING, BOARD OF (Sec. 147.14(1)(r))

Geoffrey Jensen, Urbandale	05/01/2012 – 04/30/2015
Christina Taylor, West Des Moines	05/01/2012 – 04/30/2015

AUTISM COUNCIL, IOWA (Sec. 256.35A)

Joshua Cobbs, Sioux City	05/01/2012 – 04/30/2015
Theresa Croonquist, Clive	05/01/2012 – 04/30/2015
Jeff Gitchel, Des Moines	05/01/2012 – 04/30/2015
Steven Muller, Altoona	05/01/2012 – 04/30/2015
Linda Wessels, Rock Rapids	05/01/2012 – 04/30/2015

BARBERING, BOARD OF (Sec. 147.14(1)(a))

Gwendolyn Ecklund, Denison	05/01/2012 – 04/30/2015
Valerie Felton, Davenport	05/01/2012 – 04/30/2015

BEHAVIORAL SCIENCE, BOARD OF (Sec. 147.14(1)(m))

Amy Crow Sunleaf, Dubuque	05/01/2012 – 04/30/2015
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BLIND, COMMISSION FOR THE (Sec. 216B.2)

James Omvig, Sr., Des Moines	05/01/2012 – 04/30/2015
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CHIROPRACTIC, BOARD OF (Sec. 147.14(1)(h))

John Calisesi, Fort Dodge	05/01/2012 – 04/30/2015
Joellen Jenson, Huxley	05/01/2012 – 04/30/2015
Aaron Martin, Ankeny	05/01/2012 – 04/30/2015

CITY DEVELOPMENT BOARD (Sec. 368.9)

James Halverson, Cedar Rapids	05/01/2012 – 04/30/2016
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CIVIL RIGHTS COMMISSION, DIRECTOR OF THE IOWA STATE (Sec. 216.3)

Beth Townsend, Urbandale	05/01/2012 – 04/30/2016
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COMMUNITY ACTION AGENCIES, COMMISSION ON (Sec. 216A.92A)

Kelly Busch, Creston	05/01/2012 – 04/30/2015
Marc Lindeen, Mount Pleasant	05/01/2012 – 04/30/2015

COSMETOLOGY ARTS AND SCIENCES, BOARD OF (Sec. 147.14(1)(n))

Don Nguyen, Urbandale	05/01/2012 – 04/30/2015
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CREDIT UNION REVIEW BOARD (Sec. 533.107)

Dave Cale, Johnston	05/01/2012 – 04/30/2015
Timothy Marcsisak, Atlantic	05/01/2012 – 04/30/2015
Becky Zemlicka, Waukee	05/01/2012 – 04/30/2015

DEAF SERVICES, COMMISSION OF (Sec. 216A.113)

Theresa Legg, Ely	05/01/2012 – 04/30/2016
Jennifer Upah, Cedar Rapids	05/01/2012 – 04/30/2016

DENTISTRY, BOARD OF (Sec. 147.14(1)(d))

Lori Elmitt, Johnston	05/01/2012 – 04/30/2015
Matthew McCullough, Ankeny	05/01/2012 – 04/30/2015
Nancy Slach, West Branch	05/01/2012 – 04/30/2015

DIETETICS, BOARD OF (Sec. 147.14(1)(k))

Bridget Drapeaux, North Liberty	05/01/2012 – 04/30/2015
Steven Kury, West Des Moines	05/01/2012 – 04/30/2015

DISABILITIES, COMMISSION OF PERSONS WITH (Sec. 216A.74)

Mary Chavez, Reinbeck	05/01/2012 – 04/30/2016
Harry Van Grevenhof, Fort Dodge	05/01/2012 – 04/30/2016
Brandon Wensman, Waterloo	05/01/2012 – 04/30/2016

DISABILITIES POLICY COUNCIL, PREVENTION OF (Sec. 225B.3)

Christopher Atchison, Iowa City	05/01/2012 – 04/30/2015
Beth Jones, West Des Moines	05/01/2012 – 04/30/2015
Cheryll Jones, Bloomfield	05/01/2012 – 04/30/2015
Susan Lerdal, Urbandale	05/01/2012 – 04/30/2015

DRUG POLICY ADVISORY COUNCIL, IOWA (Sec. 80E.2)

David Lorenzen, Waukeek	05/01/2012 – 04/30/2016
Christina Wilson, West Des Moines	05/01/2012 – 04/30/2016

EARLY CHILDHOOD IOWA STATE BOARD (Sec. 256I.3)

Michael Bunde, Denison	05/01/2012 – 04/30/2015
David Discher, Des Moines	05/01/2012 – 04/30/2015
Leone Junck, Ogden	05/01/2012 – 04/30/2015
Sigrid Lane, Waterloo	05/01/2012 – 04/30/2015
Rae Miller, Fonda	05/01/2012 – 04/30/2015
Robert Ockerman, Adel	05/01/2012 – 04/30/2015
Brook Rosenberg, Des Moines	05/01/2012 – 04/30/2015
Jean Stadlander, Manning	05/01/2012 – 04/30/2015
Betty Zan, Cedar Falls	05/01/2012 – 04/30/2015

EDUCATION, STATE BOARD OF (Sec. 256.3)

Diane Crookham-Johnson, Oskaloosa	05/01/2012 – 04/30/2018
Charles Edwards Jr., Des Moines	05/01/2012 – 04/30/2018
William “Mike” May, Spirit Lake	05/01/2012 – 04/30/2018

EMERGENCY RESPONSE COMMISSION, IOWA (Sec. 30.2)

Terry Butler, Pella	05/01/2012 – 04/30/2015
Julie Waltz, Winterset	05/01/2012 – 04/30/2015

EMPLOYMENT APPEAL BOARD (Sec. 10A.601)

Cloyd “Robby” Robinson, Cedar Rapids	05/01/2012 – 04/30/2018
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ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Christy VanBuskirk, Hedrick	05/01/2012 – 04/30/2015
Marlee Walton, Ames	05/01/2012 – 04/30/2015

GREAT PLACES BOARD, IOWA (Sec. 303.3C)

Stephen Hammes, Cedar Rapids	05/01/2012 – 04/30/2015
Kerrie Kuiper, Lehigh	05/01/2012 – 04/30/2015
Gayle Redman, Gowrie	05/01/2012 – 04/30/2015
Donald Zuck, Ankeny	05/01/2012 – 04/30/2015

HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.5)	
Joseph Hutter, Bettendorf	05/01/2012 – 04/30/2014
Mary Mincer Hansen, Panora	05/01/2012 – 04/30/2014
HEARING AID DISPENSERS, BOARD OF (Sec. 154A.2)	
Dorothy Walters, Norwalk	05/01/2012 – 04/30/2015
HIGHER EDUCATION LOAN AUTHORITY, IOWA (Sec. 261A.6)	
Annette Shaw, Polk City	05/01/2012 – 04/30/2018
INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)	
Sara Herman, West Des Moines	05/01/2012 – 04/30/2015
Tom Triplett, Urbandale	05/01/2012 – 04/30/2015
Serena Zwanziger, Janesville	05/01/2012 – 04/30/2015
IPERS, CHIEF EXECUTIVE OFFICER OF (Sec. 97B.3)	
Donna Mueller, Windsor Heights	05/01/2012 – 04/30/2016
LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)	
Timothy Adams, Webster City	05/01/2012 – 04/30/2015
David Fjare, Council Bluffs	05/01/2012 – 04/30/2015
LATINO AFFAIRS, COMMISSION OF (Sec. 216A.12)	
Sal Alaniz, Mt. Pleasant	05/01/2012 – 04/30/2016
Juan Rodriguez, Des Moines	05/01/2012 – 04/30/2016
LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (Sec. 80B.6)	
Regina Clemens, Granger	05/01/2012 – 04/30/2016
Marti Crumes-Morrow, Ottumwa	05/01/2012 – 04/30/2016
LOTTERY AUTHORITY BOARD OF DIRECTORS, IOWA (Sec. 99G.8)	
Matthew McDermott, West Des Moines	05/01/2012 – 04/30/2016
MASSAGE THERAPY, BOARD OF (Sec. 147.14(1)(q))	
Coy Clark, Des Moines	03/01/2012 – 04/30/2014
MEDICINE, BOARD OF (Sec. 147.14(1)(b))	
Colleen Pasnik, Dubuque	05/01/2012 – 04/30/2015
Julie Perkins, Carroll	05/01/2012 – 04/30/2015
MENTAL HEALTH AND DISABILITY SERVICES COMMISSION (Sec. 225C.5(1))	
Neil Broderick, West Des Moines	05/01/2012 – 04/30/2015
Jill Davisson, Grand Mound	05/01/2012 – 04/30/2015
Debra Schildroth, Ames	05/01/2012 – 04/30/2015
Patrick Schmitz, Kingsley	05/01/2012 – 04/30/2015
Suzanne Watson, Council Bluffs	05/01/2012 – 04/30/2015
MENTAL HEALTH RISK POOL BOARD (Sec. 426B.5(2)(c))	
Linda Dunshee, Urbandale	05/01/2012 – 04/30/2015
Rick Larkin, Fort Madison	05/01/2012 – 04/30/2015
Andrew Nielsen, Ankeny	05/01/2012 – 04/30/2015
Raymond Todd, Cedar Rapids	05/01/2012 – 04/30/2015

MORTUARY SCIENCE, BOARD OF (Sec. 147.14(1)(p))

Bradley Hawn, Spencer	05/01/2012 – 04/30/2015
Norene Mostkoff, Waukee	05/01/2012 – 04/30/2015

NURSING, BOARD OF (Sec. 147.14(1)(c))

Connie Boyd, Fort Dodge	05/01/2012 – 04/30/2015
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NURSING HOME ADMINISTRATORS, BOARD OF (Sec. 155.2)

Maureen Cahill, West Des Moines	05/01/2012 – 04/30/2015
David Chensvold, Cedar Rapids	05/01/2012 – 04/30/2015
Patrice Herrera, Ankeny	05/01/2012 – 04/30/2015
Mabel Mantel, Orange City	05/01/2012 – 04/30/2015
Dawnita Neff, Davenport	05/01/2012 – 04/30/2015

OPTOMETRY, BOARD OF (Sec. 147.14(1)(f))

Richard Jacobson, Fort Dodge	05/01/2012 – 04/30/2015
Barbara Washburn, Cedar Rapids	05/01/2012 – 04/30/2015

PAROLE, CHAIRPERSON OF THE BOARD OF (Sec. 904A.3)

Doris Kelley, Waterloo	02/29/2012 – Pleasure of the Governor
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PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM

TRUSTEE (Sec. 97A.5)

Chris Mayer, Waukee	05/01/2012 – 04/30/2014
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PHARMACY, BOARD OF (Sec. 147.14(1)(e))

Susan Frey, Villisca	05/01/2012 – 04/30/2015
Edward McKenna, Storm Lake	05/01/2012 – 04/30/2015

PHYSICAL AND OCCUPATIONAL THERAPY, BOARD OF (Sec. 147.14(1)(j))

Jaelyn Fleming, Urbandale	05/01/2012 – 04/30/2015
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PHYSICIAN ASSISTANTS, BOARD OF (Sec. 147.14(1)(l))

Joel Jernstad, Ankeny	05/01/2012 – 04/30/2015
Jolene Kelly, Ames	05/01/2012 – 04/30/2015
Teresa Lee, Manson	05/01/2012 – 04/30/2015

PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (Sec. 105.3)

Mickey Gage, New Hampton	05/01/2012 – 04/30/2015
Rodney Schultz, Council Bluffs	05/01/2012 – 04/30/2015
Patricia Weese, Bedford	05/01/2012 – 04/30/2015

PODIATRY, BOARD OF (Sec. 147.14(1)(s))

Mindi Feilmeier, Spirit Lake	05/01/2012 – 04/30/2015
Sarah Kleffman, Harlan	05/01/2012 – 04/30/2015

PSYCHOLOGY, BOARD OF (Sec. 147.14(1)(g))

Brandon Davis, Grinnell	05/01/2012 – 04/30/2015
John Dilley, Clive	05/01/2012 – 04/30/2015

PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

Janelle Niebuhr, West Des Moines (appointment)	02/17/2012 – 04/30/2012
Janelle Niebuhr, West Des Moines (reappointment)	05/01/2012 – 04/30/2016
James Van Fossen, Davenport	05/01/2012 – 04/30/2016

RACING AND GAMING COMMISSION, ADMINISTRATOR OF THE STATE (Sec. 99D.6)

Brian Ohorilko, Mitchellville	03/30/2012 – 04/30/2014
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RACING AND GAMING COMMISSION, STATE (Sec. 99D.5)

Kristine Kramer, New Hampton	05/01/2012 – 04/30/2015
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REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

Amanda Luscombe, Holstein	05/01/2012 – 04/30/2015
Joan Scotter, Marion	05/01/2012 – 04/30/2015

REAL ESTATE COMMISSION (Sec. 543B.8)

Terry Duggan, Dubuque	05/01/2012 – 04/30/2015
Carol Haines, West Burlington	05/01/2012 – 04/30/2015

RESPIRATORY CARE, BOARD OF (Sec. 147.14(1)(o))

Lisa Kingery, Casey	05/01/2012 – 04/30/2015
Arlene Lee, Fort Dodge	05/01/2012 – 04/30/2015

SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)

Gretchen Tegeler, West Des Moines	05/01/2012 – 04/30/2015
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SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS, BOARD OF (Sec. 147.14(1)(u))

John Gannon, Ankeny	05/01/2012 – 04/30/2015
Diana Kautzky, Johnston	05/01/2012 – 04/30/2015
Stephanie Lyons, Ankeny	05/01/2012 – 04/30/2015

SOCIAL WORK, BOARD OF (Sec. 147.14(1)(t))

Mark Hillenbrand, West Des Moines	05/01/2012 – 05/01/2015
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SPEECH PATHOLOGY AND AUDIOLOGY, BOARD OF (Sec. 147.14(1)(i))

Denise Renaud, Iowa Falls	05/01/2012 – 04/30/2015
Jon Schuttinga, Denison	05/01/2012 – 04/30/2015
J. Michael Tysklind, West Des Moines	05/01/2012 – 04/30/2015

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION,
CHAIRPERSON OF THE IOWA (Sec. 8D.3(2)(a)(1))

Richard Bruner, Ventura	05/01/2012 – 04/30/2013
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TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA
(Sec. 8D.3(2)(a))

Kathleen Kohorst, Harlan	05/01/2012 – 04/30/2018
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TOBACCO USE PREVENTION AND CONTROL, COMMISSION ON (Sec. 142A.3)

Thomas Greene, Burlington	03/01/2012 – 04/30/2014
Mikki Stier, Ankeny	03/01/2012 – 04/30/2014

TRANSPORTATION COMMISSION, STATE (Sec. 307.3)

Amy Reasner, Cedar Rapids	05/01/2012 – 04/30/2016
Charese Yanney, Sioux City	05/01/2012 – 04/30/2016

VETERANS AFFAIRS, COMMISSION OF (Sec. 35A.2)

Willard Wallace, Ankeny	05/01/2012 – 04/30/2016
Jon Wille, Ankeny	05/01/2012 – 04/30/2016
Mickey Williams, Harlan	05/01/2012 – 04/30/2016

VETERINARY MEDICINE, IOWA BOARD OF (Sec. 169.5)

Janet Sears, Fayette	05/01/2012 – 04/30/2015
Curtis Youngs, Ames	05/01/2012 – 04/30/2015

VISION IOWA BOARD (Sec. 15F.102)

Ruth Akin, Cedar Falls	03/01/2012 – 04/30/2013
Mollie Phukan, Des Moines	05/01/2012 – 04/30/2015
Cathy Reece, Chariton	03/01/2012 – 04/30/2015
Charese Yanney, Sioux City	05/01/2012 – 04/30/2015

WOMEN, COMMISSION ON THE STATUS OF (Sec. 216A.53)

Elizabeth Coonan, Des Moines	05/01/2012 – 04/30/2016
David Gudenkauf, Cascade	05/01/2012 – 04/30/2016
Brian Mueller, Winterset	05/01/2012 – 04/30/2016

WORKFORCE DEVELOPMENT BOARD, IOWA (Sec. 84A.1A)

Rachel Hurley, Johnston	05/01/2012 – 04/30/2016
Ken Sagar, Des Moines	05/01/2012 – 04/30/2016
Karen “Dee” Vanderhoef, Iowa City	05/01/2012 – 04/30/2016

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor’s appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 6, 2012:

AGRICULTURE

Lyle Borg – Agricultural Development Authority
 John Fredrickson – Agricultural Development Authority
 Mark Leonard – Agricultural Development Authority

COMMERCE

Dave Cale – Credit Union Review Board
 Timothy Marcsisak – Credit Union Review Board
 Becky Zemlicka – Credit Union Review Board

Richard Bruner – Chairperson of the Iowa Telecommunications and Technology Commission

Kathleen Kohorst – Iowa Telecommunications and Technology Commission

ECONOMIC GROWTH/REBUILD IOWA

Stephen Hammes – Iowa Great Places Board

Kerrie Kuiper – Iowa Great Places Board

Gayle Redman – Iowa Great Places Board

Donald Zuck – Iowa Great Places Board

EDUCATION

Joshua Cobbs – Iowa Autism Council

Theresa Croonquist – Iowa Autism Council

Jeff Gitchel – Iowa Autism Council

Steven Muller – Iowa Autism Council

Linda Wessels – Iowa Autism Council

Michael Bunde – Early Childhood Iowa State Board

David Discher – Early Childhood Iowa State Board

Leone Junck – Early Childhood Iowa State Board

Sigrid Lane – Early Childhood Iowa State Board

Rae Miller – Early Childhood Iowa State Board

Robert Ockerman – Early Childhood Iowa State Board

Brook Rosenberg – Early Childhood Iowa State Board

Jean Stadlander – Early Childhood Iowa State Board

Betty Zan – Early Childhood Iowa State Board

Diane Crookham-Johnson – State Board of Education

Charles Edwards Jr. – State Board of Education

William “Mike” May – State Board of Education

Annette Shaw – Iowa Higher Education Loan Authority

Gretchen Tegeler – School Budget Review Committee

HUMAN RESOURCES

Jill Bjerke – Commission on Aging

Richard Stone – Commission on Aging

Geoffrey Jensen – Board of Athletic Training

Christina Taylor – Board of Athletic Training

Amy Crow Sunleaf – Board of Behavioral Science

Mary Chavez – Commission of Persons with Disabilities

Harry Van Grevenhof – Commission of Persons with Disabilities

Brandon Wensman – Commission of Persons with Disabilities

Christopher Atchison – Prevention of Disabilities Policy Council
 Beth Jones – Prevention of Disabilities Policy Council
 Cheryl Jones – Prevention of Disabilities Policy Council
 Susan Lerdal – Prevention of Disabilities Policy Council

Joseph Hutter – Healthy and Well Kids in Iowa (HAWK-I) Board
 Mary Mincer Hansen – Healthy and Well Kids in Iowa (HAWK-I) Board

Sal Alaniz – Commission of Latino Affairs
 Juan Rodriguez – Commission of Latino Affairs

Neil Broderick – Mental Health and Disability Services Commission
 Jill Davison – Mental Health and Disability Services Commission
 Debra Schildroth – Mental Health and Disability Services Commission
 Patrick Schmitz – Mental Health and Disability Services Commission
 Suzanne Watson – Mental Health and Disability Services Commission

John Gannon – Board of Sign Language Interpreters and Transliterators
 Diana Kautzky – Board of Sign Language Interpreters and Transliterators
 Stephanie Lyons – Board of Sign Language Interpreters and Transliterators

Thomas Greene – Commission on Tobacco Use Prevention and Control
 Mikki Stier – Commission on Tobacco Use Prevention and Control

JUDICIARY

Beth Townsend – Director of the Iowa State Civil Rights Commission

David Lorenzen – Iowa Drug Policy Advisory Council
 Christina Wilson – Iowa Drug Policy Advisory Council

Regina Clemens – Iowa Law Enforcement Academy Council
 Marti Crumes-Morrow – Iowa Law Enforcement Academy Council

Doris Kelley – Chairperson of the Board of Parole

LABOR AND BUSINESS RELATIONS

Cloyd “Robby” Robinson – Employment Appeal Board

Mickey Gage – Plumbing and Mechanical Systems Examining Board
 Rodney Schultz – Plumbing and Mechanical Systems Examining Board
 Patricia Weese – Plumbing and Mechanical Systems Examining Board

Janelle Niebuhr (Appointment & Reappointment) – Public Employment Relations Board

James Van Fossen – Public Employment Relations Board

Rachel Hurley – Iowa Workforce Development Board
 Ken Sagar – Iowa Workforce Development Board
 Karen “Dee” Vanderhoef – Iowa Workforce Development Board

LOCAL GOVERNMENT

James Halverson – City Development Board

Linda Dunshee – Mental Health Risk Pool Board

Rick Larkin – Mental Health Risk Pool Board

Andrew Nielsen – Mental Health Risk Pool Board

Raymond Todd – Mental Health Risk Pool Board

STATE GOVERNMENT

Evelyn Rank – Accountancy Examining Board

Robert Snodgrass – Accountancy Examining Board

Tommy Thompson – Accountancy Examining Board

Bryan Burton – Commission on the Status of African Americans

Shanna Cramer – Commission on the Status of African Americans

L. Duane Murray – Commission on the Status of African Americans

Clair Rudison, Jr. – Commission on the Status of African Americans

Kimberly Wayne – Commission on the Status of African Americans

Tami Doll – Alcoholic Beverages Commission

Linda Alfson Schemmel – Architectural Examining Board

Bruce Bassler – Architectural Examining Board

Yolanda Duerson – Commission of Asian and Pacific Islander Affairs

Benjamin Jung – Commission of Asian and Pacific Islander Affairs

Trinh Le – Commission of Asian and Pacific Islander Affairs

Albert Liu – Commission of Asian and Pacific Islander Affairs

Karlai Thornburg – Commission of Asian and Pacific Islander Affairs

Gwendolyn Eklund – Board of Barbering

Valerie Felton – Board of Barbering

James Omvig, Sr. – Commission for the Blind

John Calisesi – Board of Chiropractic

Joellen Jenson – Board of Chiropractic

Aaron Martin – Board of Chiropractic

Kelly Busch – Commission on Community Action Agencies

Marc Lindeen – Commission on Community Action Agencies

Don Nguyen – Board of Cosmetology Arts and Sciences

Theresa Legg – Commission of Deaf Services

Jennifer Upah – Commission of Deaf Services

Lori Elmitt – Board of Dentistry

Matthew McCullough – Board of Dentistry

Nancy Slach – Board of Dentistry

Bridget Drapeaux – Board of Dietetics
Steven Kury – Board of Dietetics

Terry Butler – Iowa Emergency Response Commission
Julie Waltz – Iowa Emergency Response Commission

Christy VanBuskirk – Engineering and Land Surveying Examining Board
Marlee Walton – Engineering and Land Surveying Examining Board

Dorothy Walters – Board of Hearing Aid Dispensers

Sara Herman – Interior Design Examining Board
Tom Triplett – Interior Design Examining Board
Serena Zwanziger – Interior Design Examining Board

Donna Mueller – Chief Executive Officer of IPERS

Timothy Adams – Landscape Architectural Examining Board
David Fjare – Landscape Architectural Examining Board

Matthew McDermott – Iowa Lottery Authority Board of Directors

Coy Clark – Board of Massage Therapy

Colleen Pasnik – Board of Medicine
Julie Perkins – Board of Medicine

Bradley Hawn – Board of Mortuary Science
Norene Mostkoff – Board of Mortuary Science

Connie Boyd – Board of Nursing

Maureen Cahill – Board of Nursing Home Administrators
David Chensvold – Board of Nursing Home Administrators
Patrice Herrera – Board of Nursing Home Administrators
Mabel Mantel – Board of Nursing Home Administrators
Dawnita Neff – Board of Nursing Home Administrators

Richard Jacobson – Board of Optometry
Barbara Washburn – Board of Optometry

Chris Mayer – Peace Officers' Retirement, Accident, and Disability System Trustee

Susan Frey – Board of Pharmacy
Edward McKenna – Board of Pharmacy

Jaelyn Fleming – Board of Physical and Occupational Therapy

Joel Jernstad – Board of Physician Assistants
Jolene Kelly – Board of Physician Assistants
Teresa Lee – Board of Physician Assistants

Mindi Feilmeier – Board of Podiatry
Sarah Kleffman – Board of Podiatry

Brandon Davis – Board of Psychology
John Dilley – Board of Psychology

Brian Ohorilko – Administrator of the State Racing and Gaming Commission

Kristine Kramer – State Racing and Gaming Commission

Amanda Luscombe – Real Estate Appraiser Examining Board
Joan Scotter – Real Estate Appraiser Examining Board

Terry Duggan – Real Estate Commission
Carol Haines – Real Estate Commission

Lisa Kingery – Board of Respiratory Care
Arlene Lee – Board of Respiratory Care

Mark Hillenbrand – Board of Social Work

Denise Renaud – Board of Speech Pathology and Audiology
Jon Schuttinga – Board of Speech Pathology and Audiology
J. Michael Tysklind – Board of Speech Pathology and Audiology

Janet Sears – Iowa Board of Veterinary Medicine
Curtis Youngs – Iowa Board of Veterinary Medicine

Mollie Phukan – Vision Iowa Board
Cathy Reece – Vision Iowa Board
Charese Yanney – Vision Iowa Board

Elizabeth Coonan – Commission on the Status of Women
David Gudenkauf – Commission on the Status of Women
Brian Mueller – Commission on the Status of Women

TRANSPORTATION

Amy Reasner – State Transportation Commission
Charese Yanney – State Transportation Commission

VETERANS AFFAIRS

Willard Wallace – Commission of Veterans Affairs
Jon Wille – Commission of Veterans Affairs
Mickey Williams – Commission of Veterans Affairs

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 01, 2012:

Pursuant to Iowa Code section 544A.1, please accept this letter as the notice of deferment of the appointment to the Architectural Examining Board, formerly held by Susan Bowersox. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15E.63, please accept this letter as the notice of deferment of the appointment to the Iowa Capital Investment Board, formerly held by Eugene Blanshan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15E.63, please accept this letter as the notice of deferment of the appointment to the Iowa Capital Investment Board, formerly held by Suzanna de Baca. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.92A, please accept this letter as the notice of deferment of the appointment to the Commission on Community Action Agencies, formerly held by Amber Crystal Amos. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code sections 2.32.1(a) and 421C.1.a, please accept this letter as the notice of deferment of the appointment of a State Debt Coordinator. This appointment has been deferred because our Administration has determined to not fill this position at this time.

Pursuant to Iowa Code section 103.2, please accept this letter as the notice of deferment of the appointment to the Electrical Examining Board, formerly held by Kevin Perley. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 103.2, please accept this letter as the notice of deferment of the appointment to the Electrical Examining Board, formerly held by Duane Quirk. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 103.2, please accept this letter as the notice of deferment of the appointment to the Electrical Examining Board, formerly held by Rodrick Van Wart. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 455A.6, please accept this letter as the notice of deferment of the appointment to the Environmental Protection Commission, formerly held by Lorna Puntillo. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code sections 2.32.1(a) and 8A.201A, please accept this letter as the notice of deferment of the appointment of a Chief Information Officer. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 16.191, please accept this letter as the notice of deferment of the appointment to the Iowa Jobs Board, formerly held by Patrick Baird. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 16.191, please accept this letter as the notice of deferment of the appointment to the Iowa Jobs Board, formerly held by Jeffrey Pomeranz. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 16.191, please accept this letter as the notice of deferment of the appointment to the Iowa Jobs Board, formerly held by Toi Sullivan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.12, please accept this letter as the notice of deferment of the appointment to the Commission of Latino Affairs, formerly held by Paula Martinez. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(b), please accept this letter as the notice of deferment of the appointment to the Board of Medicine, formerly held by Analisa Haberman. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 904A.1, please accept this letter as the notice of deferment of the appointment to the Board of Parole, formerly held by W. Thomas Phillips. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 99D.5, please accept this letter as the notice of deferment of the appointment to the State Racing and Gaming Commission, formerly held by Toni Urban. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 8A.204, please accept this letter as the notice of deferment of the appointment to the Technology Advisory Council for the public member seat. This appointment has been deferred because our Administration has initiated a review as to the need for a council consisting primarily of state agencies.

Pursuant to Iowa Code section 8A.204, please accept this letter as the notice of deferment of the appointment to the Technology Advisory Council for the public member seat. This appointment has been deferred because our Administration has initiated a review as to the need for a council consisting primarily of state agencies.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco Use Prevention and Control, formerly held by Timothy Hungerford. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco Use Prevention and Control, formerly held by Bobby Russell. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 05, 2012:

I am writing to withdraw the nomination of Ruth Akin from the city of Cedar Falls in Black Hawk County, Iowa for appointment as a member of the Vision Iowa Board, pursuant to Iowa Code Section 15F.102. According to the code, all board members shall be residents of different counties. Ms. Akin is from the same county as another member.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-5043	S.F.	2308	William Dotzler
S-5044	S.F.	2314	Robert E. Dvorsky
S-5045	S.F.	2274	Pam Jochum
S-5046	S.F.	2301	Matt McCoy
S-5047	S.F.	2277	Jeff Danielson
S-5048	S.F.	2293	Matt McCoy

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 7, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Matthew Hrdlicka of Des Moines, Iowa, who sang our National Anthem. He was the guest of Senators Ward and Greiner.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Tuesday, March 6, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 6, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2058, a bill for an act relating to certain records of rural water districts, city utilities, and city enterprises.

Senate File 2202, a bill for an act relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

Senate File 2203, a bill for an act relating to nonsubstantive Code corrections and including effective date provisions.

Senate File 2244, a bill for an act requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

Senate File 2279, a bill for an act relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, superintendent management authority, individual development accounts held at credit unions and other financial institutions, and making penalties applicable.

Senate File 2282, a bill for an act concerning the definitions of “all-terrain vehicle” and “off-road utility vehicle” for purposes of provisions administered by the department of natural resources.

ALSO: That the House has on March 6, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2242, a bill for an act creating an exception to the statutory rule against perpetuities and making related changes.

Read first time and referred to committee on **Judiciary**.

House File 2343, a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

Read first time and attached to **companion Senate File 2253**.

House File 2345, a bill for an act relating to the factors considered by the court in a determination of the best interest of the child in custody arrangements.

Read first time and referred to committee on **Human Resources**.

House File 2362, a bill for an act concerning establishing and collecting certain filing fees by the auditor of state.

Read first time and referred to committee on **State Government**.

House File 2363, a bill for an act relating to unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2368, a bill for an act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.

Read first time and referred to committee on **Human Resources**.

House File 2387, a bill for an act relating to improvements to and implementation of laws concerning elder abuse.

Read first time and referred to committee on **Human Resources**.

House File 2407, a bill for an act requiring the commissioner of insurance to develop a uniform application for use by individuals applying for new health insurance coverage under individual policies or contracts of accident and health insurance and providing for contingent applicability.

Read first time and referred to committee on **Commerce**.

RECESS

On motion of Senator Courtney, the Senate recessed at 9:11 a.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 4:28 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2212, a bill for an act relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

Senate File 2292, a bill for an act to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

ALSO: That the House has on March 7, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2275, a bill for an act authorizing the secretary of state to modify fees for businesses newly organizing in this state during an Iowa start a business month.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

House File 2319, a bill for an act relating to elections and voter registration, including technical administration of the law by making modifications to certain filing deadlines, preservation of certain records, elections to fill certain vacancies in office, absentee voting, voting systems, and ballot summaries.

Read first time and referred to committee on **State Government**.

House File 2323, a bill for an act relating to city utilities and city enterprises by making changes to requirements related to residential rental property.

Read first time and referred to committee on **Local Government**.

House File 2383, a bill for an act relating to mandatory reporting of school employee misconduct to the board of educational examiners.

Read first time and referred to committee on **Education**.

House File 2403, a bill for an act relating to requirements for a commercial driver's license for certain persons transitioning from military service.

Read first time and referred to committee on **Veterans Affairs**.

House File 2427, a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices.

Read first time and referred to committee on **State Government**.

ADJOURNMENT

On motion of Senator Danielson, the Senate adjourned at 4:30 p.m. until 9:00 a.m., Thursday, March 8, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Administration and Faculty of Cardinal High School, Eldon—For their zero-tolerance policy for missing homework. Senator Chelgren (3/7/12).

Emily and Fred Elwood, Riceville—For celebrating their 54th wedding anniversary. Senator Bartz (3/7/12).

Harold and Jeanette Galligan, New Hampton—For celebrating their 50th wedding anniversary. Senator Bartz (3/7/12).

Father Kenneth Gehling, Mason City—For his fifty years of service as a pastor. Senator Ragan (3/7/12).

Mr. and Mrs. Wesley Isenhower, Fredericksburg—For celebrating their 65th wedding anniversary. Senator Bartz (3/7/12).

Evelyn Kapping, Nashua—For celebrating her 80th birthday. Senator Bartz (3/7/12).

Nadine and Harlan Noble, Riceville—For celebrating their 70th wedding anniversary. Senator Bartz (3/7/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, March 7, 2012, 1:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Passed HFs 2335, 2336, and 2338. Approved SSB 3172.

Recessed: 1:10 p.m.

Reconvened: 2:25 p.m.

Adjourned: 3:00 p.m.

EDUCATION

Convened: Wednesday, March 7, 2012, 3:15 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, and Sadders.

Members Absent: Wilhelm (excused).

Committee Business: Passed HF 2245.

Adjourned: 3:30 p.m.

JUDICIARY

Convened: Wednesday, March 7, 2012, 10:10 a.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed HF's 563 and 609 as amended.

Recessed: 10:15 a.m.

Reconvened: 10:35 a.m.

Adjourned: 10:40 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Wednesday, March 7, 2012, 10:30 a.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed SF 2254. Presentations by the Department of Natural Resources.

Adjourned: 11:35 a.m.

WAYS AND MEANS

Convened: Wednesday, March 7, 2012, 3:30 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed SF's 2166 and 2167. Approved SSB 3046. Approved SSB 3045 as amended.

Recessed: 3:35 p.m.

Reconvened: 4:00 p.m.

Adjourned: 4:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 115, by Quirmbach, Boettger, and Mathis, a resolution to recognize March 2012 as Iowa Women's History Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2316, by committee on Appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 3192 Ways and Means

Making the research activities tax credits nonrefundable and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2299

APPROPRIATIONS: Danielson, Chair; Dix and Dvorsky

House File 2227

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Dearden and Ward

House File 2242

JUDICIARY: Jochum, Chair; Quirmbach and Ward

House File 2305

HUMAN RESOURCES: Bolkom, Chair; Jochum and Seymour

House File 2321

JUDICIARY: Hogg, Chair; Horn and Whitver

House File 2345

HUMAN RESOURCES: Dotzler, Chair; Mathis and Whitver

House File 2363

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Ward

House File 2368

HUMAN RESOURCES: Bolkcom, Chair; Bacon and Hatch

House File 2387

HUMAN RESOURCES: Jochum, Chair; Boettger and Wilhelm

SSB 3192

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Chelgren

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2316 (SSB 3181), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2316, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2284, a bill for an act relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2335, a bill for an act relating to appropriations to the justice system, and providing effective dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5056.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2336, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5057.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2338, a bill for an act relating to appropriations to the judicial branch.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5058.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2245, a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5053.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, and Soddors. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Wilhelm.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 563, a bill for an act creating the transparency in private attorney contracts Act.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5051.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 609, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5052.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2254, a bill for an act allowing the issuance of special hunting licenses to certain nonresident disabled veterans and members of the armed forces serving on active federal service.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 7, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2170 – Relating to service of notice requirements for holders of a property tax sale certificate of purchase.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 07, 2012, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the Agricultural Development Authority:

LYLE BORG – Black, Chair; Courtney and Greiner
JOHN FREDRICKSON – Rielly, Chair; Kapucian and Fraise
MARK LEONARD – Hancock, Chair; Kibbie and Hahn

COMMERCE

As members of the Credit Union Review Board:

DAVE CALE – Bolkom, Chair; Mathis and Anderson
TIMOTHY MARCSISAK – Bolkom, Chair; Mathis and Anderson
BECKY ZEMLICKA – Bolkom, Chair; Mathis and Anderson

As Chairperson of the Iowa Telecommunications and Technology Commission:

RICHARD BRUNER – McCoy, Chair; Courtney and Ward

As a member of the Iowa Telecommunications and Technology Commission:

KATHLEEN KOHORST – McCoy, Chair; Courtney and Ward

ECONOMIC GROWTH/REBUILD IOWA

As members of the Iowa Great Places Board:

STEPHEN HAMMES – Mathis, Chair; Horn and Whitver
KERRIE KUIPER – Bacon, Chair; Wilhelm and Rielly
GAYLE REDMAN – Bacon, Chair; Rielly and Wilhelm
DONALD ZUCK – Whitver, Chair; Bertrand and Danielson

EDUCATION

As members of the Iowa Autism Council:

JOSHUA COBBS – Beall, Chair; Boettger and Smith
 THERESA CROONQUIST – Beall, Chair; Boettger and Smith
 JEFF GITCHEL – Beall, Chair; Boettger and Smith
 STEVEN MULLER – Beall, Chair; Boettger and Smith
 LINDA WESSELS – Beall, Chair; Boettger and Smith

As members of the Early Childhood Iowa State Board:

MICHAEL BUNDE – Wilhelm, Chair; Hogg and Smith
 DAVID DISCHER – Wilhelm, Chair; Hogg and Smith
 LEONE JUNCK – Wilhelm, Chair; Hogg and Smith
 SIGRID LANE – Wilhelm, Chair; Hogg and Smith
 RAE MILLER – Wilhelm, Chair; Hogg and Smith
 ROBERT OCKERMAN – Bowman, Chair; Feenstra and Johnson
 BROOK ROSENBERG – Bowman, Chair; Feenstra and Johnson
 JEAN STADTLANDER – Bowman, Chair; Feenstra and Johnson
 BETTY ZAN – Bowman, Chair; Feenstra and Johnson

As members of the State Board of Education:

DIANE CROOKHAM-JOHNSON – Schoenjahn, Chair; Johnson and Sodders
 CHARLES EDWARDS JR. – Schoenjahn, Chair; Johnson and Sodders
 WILLIAM “MIKE” MAY – Schoenjahn, Chair; Johnson and Sodders

As a member of the Iowa Higher Education Loan Authority:

ANNETTE SHAW – Quirnbach, Chair; Dvorsky and Hamerlinck

As a member of the School Budget Review Committee:

GRETCHEN TEGELER – Quirnbach, Chair; Dvorsky and Hamerlinck

HUMAN RESOURCES

As members of the Commission on Aging:

JILL BJERKE – Whitver, Chair; Hatch and Bolkcom
 RICHARD STONE – Seymour, Chair; Ragan and Bolkcom

As members of the Board of Athletic Training:

GEOFFREY JENSEN – Wilhelm, Chair; Mathis and Bacon
 CHRISTINA TAYLOR – Whitver, Chair; Hatch and Bolkcom

As a member of the Board of Behavioral Science:

AMY CROW SUNLEAF – Jochum, Chair; Wilhelm and Boettger

As members of the Commission of Persons with Disabilities:

MARY CHAVEZ – Seymour, Chair; Dotzler and Jochum
HARRY VAN GREVENHOF – Bacon, Chair; Wilhelm and Jochum
BRANDON WENSMAN – Seymour, Chair; Dotzler and Jochum

As members of the Prevention of Disabilities Policy Council:

CHRISTOPHER ATCHISON – Bolkcom, Chair; Ragan and Bacon
BETH JONES – Seymour, Chair; Dotzler and Jochum
CHERYLL JONES – Johnson, Chair; Ragan and Dotzler
SUSAN LERDAL – Johnson, Chair; Ragan and Dotzler

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

JOSEPH HUTTER – Seymour, Chair; Hatch and Ragan
MARY MINCER HANSEN – Hatch, Chair; Ragan and Seymour

As members of the Commission of Latino Affairs:

SAL ALANIZ – Hatch, Chair; Dotzler and Whitver
JUAN RODRIGUEZ – Hatch, Chair; Whitver and Jochum

As members of the Mental Health and Disability Services Commission:

NEIL BRODERICK – Jochum, Chair; Johnson and Ragan
JILL DAVISSON – Bacon, Chair; Hatch and Bolkcom
DEBRA SCHILDROTH – Mathis, Chair; Bacon and Hatch
PATRICK SCHMITZ – Boettger, Chair; Hatch and Bolkcom
SUZANNE WATSON – Boettger, Chair; Dotzler and Jochum

As members of the Board of Sign Language Interpreters and Translitterators:

JOHN GANNON – Whitver, Chair; Mathis and Wilhelm
DIANA KAUTZKY – Whitver, Chair; Mathis and Wilhelm
STEPHANIE LYONS – Whitver, Chair; Mathis and Wilhelm

As members of the Commission on Tobacco Use Prevention and Control:

THOMAS GREENE – Quirnbach, Chair; Hatch and Boettger
MIKKI STIER – Quirnbach, Chair; Hatch and Seymour

JUDICIARY

As Director of the Iowa State Civil Rights Commission:

BETH TOWNSEND – Jochum, Chair; Quirnbach and Dix

As members of the Iowa Drug Policy Advisory Council:

DAVID LORENZEN – Fraise, Chair; Hancock and Dix
CHRISTINA WILSON – Sodders, Chair; Hancock and Sorenson

As members of the Iowa Law Enforcement Academy Council:

REGINA CLEMENS – Jochum, Chair; Dvorsky and Whitver
 MARTI CRUMES-MORROW – Horn, Chair; Jochum and Ward

As Chairperson of the Board of Parole:

DORIS KELLEY – Hogg, Chair; Hancock and Boettger

LABOR AND BUSINESS RELATIONS

As a member of the Employment Appeal Board:

CLOYD “ROBBY” ROBINSON – Dotzler, Chair; Fraise and Ward

As members of the Plumbing and Mechanical Systems Examining Board:

MICKEY GAGE – Dearden, Chair; Courtney and Chelgren
 RODNEY SCHULTZ – Courtney, Chair; Dearden and Bertrand
 PATRICIA WEESE – Dearden, Chair; Courtney and Anderson

As members of the Public Employment Relations Board:

JANELLE NIEBUHR – Jochum, Chair; Courtney and Bertrand
 JAMES VAN FOSSEN – Courtney, Chair; Jochum and Anderson

As members of the Iowa Workforce Development Board:

RACHEL HURLEY – Dotzler, Chair; Courtney and Anderson
 KEN SAGAR – Courtney, Chair; Dotzler and Ward
 KAREN “DEE” VANDERHOEF – Dotzler, Chair; Courtney and Ward

LOCAL GOVERNMENT

As a member of the City Development Board:

JAMES HALVERSON – Bacon, Chair; Beall and Bowman

As members of the Mental Health Risk Pool Board:

LINDA DUNSHEE – Ernst, Chair; Rielly and Schoenjahn
 RICK LARKIN – Bowman, Chair; Bacon and Beall
 ANDREW NIELSEN – Beall, Chair; Bowman and Bacon
 RAYMOND TODD – Rielly, Chair; Courtney and Ernst

STATE GOVERNMENT

As members of the Accountancy Examining Board:

EVELYN RANK – McCoy, Chair; Dearden and Bertrand
 ROBERT SNODGRASS – McCoy, Chair; Dearden and Bertrand
 TOMMY THOMPSON – McCoy, Chair; Dearden and Bertrand

As members of the Commission on the Status of African Americans:

BRYAN BURTON – Danielson, Chair; Horn and Chelgren
SHANNA CRAMER – Hatch, Chair; Jochum and Chelgren
L. DUANE MURRAY – Hatch, Chair; Jochum and Chelgren
CLAIR RUDISON, JR. – Hatch, Chair; Jochum and Chelgren
KIMBERLY WAYNE – Hatch, Chair; Jochum and Chelgren

As a member of the Alcoholic Beverages Commission:

TAMI DOLL – Danielson, Chair; Horn and Dix

As members of the Architectural Examining Board:

LINDA ALFSON SCHEMMEL – Dearden, Chair; Fraise and Feenstra
BRUCE BASSLER – Dearden, Chair; Fraise and Feenstra

As members of the Commission of Asian and Pacific Islander Affairs:

YOLANDA DUERSON – Jochum, Chair; Kibbie and Smith
BENJAMIN JUNG – Jochum, Chair; Kibbie and Smith
TRINH LE – Jochum, Chair; Kibbie and Smith
ALBERT LIU – Jochum, Chair; Kibbie and Smith
KARLAI THORNBURG – Jochum, Chair; Kibbie and Smith

As members of the Board of Barbering:

GWENDOLYN ECKLUND – Soddors, Chair; Dearden and Sorenson
VALERIE FELTON – Soddors, Chair; Dearden and Sorenson

As a member of the Commission for the Blind:

JAMES OMVIG, SR. – Jochum, Chair; Kibbie and Smith

As members of the Board of Chiropractic:

JOHN CALISESI – Hatch, Chair; Dearden and Smith
JOELLEN JENSON – Hatch, Chair; Dearden and Smith
AARON MARTIN – Hatch, Chair; Dearden and Smith

As members of the Commission on Community Action Agencies:

KELLY BUSCH – Soddors, Chair; Jochum and Dix
MARC LINDEEN – Soddors, Chair; Jochum and Dix

As a member of the Board of Cosmetology Arts and Sciences:

DON NGUYEN – Fraise, Chair; McCoy and Feenstra

As members of the Commission of Deaf Services:

THERESA LEGG – Jochum, Chair; Dearden and Feenstra
JENNIFER UPAH – Jochum, Chair; Dearden and Feenstra

As members of the Board of Dentistry:

LORI ELMITT – Horn, Chair; Danielson and Bertrand
MATTHEW MCCULLOUGH – Horn, Chair; Danielson and Bertrand
NANCY SLACH – Horn, Chair; Danielson and Bertrand

As members of the Board of Dietetics:

BRIDGET DRAPEAUX – Sodders, Chair; McCoy and Bertrand
STEVEN KURY – Sodders, Chair; McCoy and Bertrand

As members of the Iowa Emergency Response Commission:

TERRY BUTLER – Danielson, Chair; Fraise and Chelgren
JULIE WALTZ – Danielson, Chair; Fraise and Chelgren

As members of the Engineering and Land Surveying Examining Board:

CHRISTY VANBUSKIRK – McCoy, Chair; Hatch and Chelgren
MARLEE WALTON – McCoy, Chair; Hatch and Chelgren

As a member of the Board of Hearing Aid Dispensers:

DOROTHY WALTERS – Jochum, Chair; Dearden and Dix

As members of the Interior Design Examining Board:

SARA HERMAN – Sodders, Chair; Dearden and Dix
TOM TRIPLETT – Sodders, Chair; Dearden and Dix
SERENA ZWANZIGER – Sodders, Chair; Dearden and Dix

As Chief Executive Officer of IPERS:

DONNA MUELLER – Kibbie, Chair; Danielson and Dix

As members of the Landscape Architectural Examining Board:

TIMOTHY ADAMS – Hatch, Chair; Jochum and Feenstra
DAVID FJARE – Hatch, Chair; Jochum and Feenstra

As a member of the Iowa Lottery Authority Board of Directors:

MATTHEW MCDERMOTT – Danielson, Chair; Fraise and Chelgren

As a member of the Board of Massage Therapy:

COY CLARK – Sodders, Chair; Kibbie and Chelgren

As members of the Board of Medicine:

COLLEEN PASNIK – Hatch, Chair; McCoy and Chelgren
JULIE PERKINS – Hatch, Chair; McCoy and Chelgren

As members of the Board of Mortuary Science:

BRADLEY HAWN – Dearden, Chair; Jochum and Chelgren
NORENE MOSTKOFF – Dearden, Chair; Jochum and Chelgren

As a member of the Board of Nursing:

CONNIE BOYD – Hatch, Chair; McCoy and Smith

As members of the Board of Nursing Home Administrators:

MAUREEN CAHILL – Hatch, Chair; Jochum and Feenstra
DAVID CHENSVOLD – Hatch, Chair; Jochum and Feenstra
PATRICE HERRERA – Hatch, Chair; Jochum and Feenstra
MABEL MANTEL – Hatch, Chair; Jochum and Feenstra
DAWNITA NEFF – Hatch, Chair; Jochum and Feenstra

As members of the Board of Optometry:

RICHARD JACOBSON – McCoy, Chair; Fraise and Smith
BARBARA WASHBURN – McCoy, Chair; Fraise and Smith

As a member of the Peace Officers' Retirement, Accident, and Disability System Trustee:

CHRIS MAYER – Kibbie, Chair; Danielson and Bertrand

As members of the Board of Pharmacy:

SUSAN FREY – Danielson, Chair; Fraise and Chelgren
EDWARD MCKENNA – Danielson, Chair; Fraise and Chelgren

As a member Board of Physical and Occupational Therapy:

JACLYN FLEMING – Sodders, Chair; McCoy and Chelgren

As members of the Board of Physician Assistants:

JOEL JERNSTAD – Jochum, Chair; Hatch and Dix
JOLENE KELLY – Jochum, Chair; Hatch and Dix
TERESA LEE – Jochum, Chair; Hatch and Dix

As members the Board of Podiatry:

MINDI FEILMEIER – McCoy, Chair; Dearden and Dix
SARAH KLEFFMAN – McCoy, Chair; Dearden and Dix

As members of the Board of Psychology:

BRANDON DAVIS – Sodders, Chair; Kibbie and Sorenson
JOHN DILLEY – Sodders, Chair; Kibbie and Sorenson

As Administrator of the State Racing and Gaming Commission:

BRIAN OHORILKO – Danielson, Chair; Horn and Bertrand

As a member of the State Racing and Gaming Commission:

KRISTINE KRAMER – Danielson, Chair; Horn and Bertrand

As members of the Real Estate Appraiser Examining Board:

AMANDA LUSCOMBE – Hatch, Chair; Fraise and Bertrand
JOAN SCOTTER – Hatch, Chair; Fraise and Bertrand

As members of the Real Estate Commission:

TERRY DUGGAN – Hatch, Chair; Fraise and Bertrand
CAROL HAINES – Hatch, Chair; Fraise and Bertrand

As members of the Board of Respiratory Care:

LISA KINGERY – Sodders, Chair; Jochum and Feenstra
ARLENE LEE – Sodders, Chair; Jochum and Feenstra

As a member of the Board of Social Work:

MARK HILLENBRAND – Dearden, Chair; Kibbie and Feenstra

As members of the Board of Speech Pathology and Audiology:

DENISE RENAUD – Jochum, Chair; Sodders and Feenstra
JON SCHUTTINGA – Jochum, Chair; Sodders and Feenstra
J. MICHAEL TYSKLIND – Jochum, Chair; Sodders and Feenstra

As members of the Iowa Board of Veterinary Medicine:

JANET SEARS – Fraise, Chair; Kibbie and Feenstra
CURTIS YOUNGS – Fraise, Chair; Kibbie and Feenstra

As members of the Vision Iowa Board:

MOLLIE PHUKAN – Sodders, Chair; McCoy and Smith
CATHY REECE – Sodders, Chair; McCoy and Smith
CHARESE YANNEY – Sodders, Chair; McCoy and Smith

As members of the Commission on the Status of Women:

ELIZABETH COONAN – Jochum, Chair; Hatch and Sorenson
DAVID GUDENKAUF – Jochum, Chair; Hatch and Sorenson
BRIAN MUELLER – Jochum, Chair; Hatch and Sorenson

TRANSPORTATION

As members of the State Transportation Commission:

AMY REASNER – Dvorsky, Chair; Bowman and Hahn
CHARESE YANNEY – Ernst, Chair; Houser and Rielly

VETERANS AFFAIRS

As members of the Commission of Veterans Affairs:

WILLARD WALLACE – Ragan, Chair; Danielson and Greiner

JON WILLE – Black, Chair; Sodders and Bacon

MICKEY WILLIAMS – Ernst, Chair; Seymour and Horn

AMENDMENTS FILED

S-5049	S.F.	2293	Randy Feenstra
S-5050	S.F.	2250	Joe Bolkcom
S-5051	H.F.	563	Judiciary
S-5052	H.F.	609	Judiciary
S-5053	H.F.	2245	Education
S-5054	S.F.	2302	Jack Whitver
S-5055	H.F.	2315	Thomas G. Courtney
S-5056	H.F.	2335	Appropriations
S-5057	H.F.	2336	Appropriations
S-5058	H.F.	2338	Appropriations

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 8, 2012

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Monsignor Russell Bleich, the Episcopal Vicar of the Cedar Rapids Region. He was the guest of Senator Mathis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Taylor Broshar.

The Journal of Wednesday, March 7, 2012, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2322, a bill for an act concerning the review, approval, and establishment of county supervisor districting plans.

Read first time and referred to committee on **Local Government**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2173 and House File 2284** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:14 a.m. until 1:00 p.m., Monday, March 12, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

The Honorable Maurice Cummins of Seanad Eireann of the Oireachtas, Waterford, Ireland—In gratitude for his remarks to the Iowa Senate, and proclaiming him a distinguished guest of the people of Iowa and an Honorary Iowan. Senator Beall (3/8/12).

Emily Robinson, Creston—For winning the 28th Annual “Write Women Back Into History” Essay Contest for her essay on women in engineering. Senator Ernst (3/8/12).

INTRODUCTION OF BILLS

Senate File 2317, by committee on Ways and Means, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2318, by committee on Ways and Means, a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2319, by committee on Ways and Means, a bill for an act relating to the property tax assessments of certain rental property for low-income and moderate income residents.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2320, by committee on Ways and Means, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENTS

House File 2231

LOCAL GOVERNMENT: Schoenjahn, Chair; Courtney and Hamerlinck

House File 2319

STATE GOVERNMENT: Danielson, Chair; Feenstra and Horn

House File 2322

LOCAL GOVERNMENT: Rielly, Chair; Beall and Ernst

House File 2323

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and Bowman

House File 2362

STATE GOVERNMENT: Horn, Chair; Dearden and Feenstra

House File 2403

VETERANS AFFAIRS: Danielson, Chair; Ernst and Ragan

House File 2427

STATE GOVERNMENT: Danielson, Chair; Feenstra and Horn

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2317 (formerly SF 2167), a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolckom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2318 (formerly SF 2166), a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2319 (SSB 3046), a bill for an act relating to the property tax assessments of certain rental property for low-income and moderate income residents.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2320 (SSB 3045), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2320, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 8, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2127 – Relating to matters under the purview and authority of the professional licensing and regulation bureau of the banking division of the department of commerce.

AMENDMENTS FILED

S-5059	S.F.	2275	Jeff Danielson
S-5060	S.F.	2302	Shawn Hamerlinck
S-5061	S.F.	2315	Jack Hatch

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 10, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dr. Scott Paczkowski, pastor of the Westminster Presbyterian Church in Des Moines, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nina Liu.

The Journal of Monday, April 9, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 364, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties. (S-5193)

ALSO: That the House has on April 9, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2455, a bill for an act relating to the examinations of the finances of certain cities and including effective date provisions.

Read first time and referred to committee on **Government Oversight**.

House File 2458, a bill for an act establishing a rural Iowa primary care loan repayment program and trust fund to be administered by the college student aid commission.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 10:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:45 a.m., President Pro Tempore Danielson presiding.

UNFINISHED BUSINESS
(Deferred April 9, 2012)

Senate File 451

The Senate resumed consideration of **Senate File 451**, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention, and House amendment S-5170, deferred April 9, 2012.

President Kibbie took the chair at 10:48 a.m.

Senator McKinley offered amendment S-5191, filed by him from the floor to page 1 of House amendment S-5170, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5191 to House amendment S-5170 be adopted?" (S.F. 451), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5191 to House amendment S-5170 lost.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 451), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2326.

Senate File 2326

On motion of Senator Hogg, **Senate File 2326**, a bill for an act increasing the amount of generating capacity eligible for the renewable energy tax credit, was taken up for consideration.

Senator Bartz withdrew amendment S-5187, filed by him on April 9, 2012, to pages 1 and 2 and amending the title page of the bill.

Senator Bartz offered amendment S-5188, filed by him on April 9, 2012, to page 1 and amending the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment S-5188 lost.

Senator Hogg offered amendment S-5192, filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment S-5192 was adopted by a voice vote.

With the adoption of amendment S-5192, the Chair ruled amendment S-5184, filed by Senator Hogg on April 9, 2012, to pages 1 and 2 and amending the title page of the bill; and

amendment S-5189, filed by Senator Bartz on April 9, 2012, to page 1 of amendment S-5184, out of order.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2326), the vote was:

Yeas, 41:

Anderson	Dearden	Horn	Schoenjahn
Bacon	Dix	Houser	Seng
Bartz	Dotzler	Jochum	Smith
Beall	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Gronstal	Mathis	Wilhelm
Bolkcom	Hamerlinck	McCoy	Zaun
Bowman	Hancock	Quirmbach	
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	

Nays, 9:

Behn	Greiner	McKinley
Chelgren	Hahn	Seymour
Feenstra	Kettering	Whitver

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 451 and 2326** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2332.

Senate File 2332

On motion of Senator Danielson, **Senate File 2332**, a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions, was taken up for consideration.

Senator Fraise withdrew amendment S-5185, filed by him on April 9, 2012, to page 16 and amending the title page of the bill.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2332), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2332** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:47 a.m. until 9:00 a.m., Wednesday, April 11, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Kathy Bresnahan, Iowa City—For achieving the Children of Promise Coach of the Year Award. Senator Dvorsky (4/10/12).

Tulani Gillum, Waterloo—For being named the Youth of the Year by the Boys & Girls Club. Senator Dotzler (4/10/12).

Theresa Kapler, Waterloo—For celebrating her 95th birthday. Senator Dotzler (4/10/12).

The city of Lamoni, Iowa, and its residents—For being selected as one of five “America’s Best Intergenerational Communities.” Senator Ernst (4/10/12).

Sheila Lundt, Assistant City Manager of the City of Ames—For 28 years of outstanding service to the people of Ames. Senator Quirmbach (4/10/12).

Bill and Millie Valline, Ames—For celebrating their 65th wedding anniversary. Senator Quirmbach (4/10/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, April 10, 2012, 2:25 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Approved SSB 3201.

Recessed: 2:30 p.m.

Reconvened: 3:10 p.m.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: Tuesday, April 10, 2012, 1:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 675 and 2459, and SF 2230.

Recessed: 1:35 p.m.

Reconvened: 1:55 p.m.

Adjourned: 2:15 p.m.

INTRODUCTION OF BILL

Senate File 2336, by committee on Appropriations, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED**SSB 3202 Ways and Means**

Increasing the amount available for allocation to the brownfields and grayfields redevelopment tax credits under the aggregate tax credit limit and including effective date provisions.

SUBCOMMITTEE ASSIGNMENT**SSB 3202**

WAYS AND MEANS: Dotzler, Chair; Feenstra and Mathis

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2336 (SSB 3201), a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 2459, a bill for an act relating to the assessment of moneys on sheep and wool production, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, and Quirmbach. Nays, 3: Chelgren, Smith, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 675, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5195.

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Anderson, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, 1: Bartz. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

STATE GOVERNMENT

Anna Hilpipre – Commission on Community Action Agencies

Dolores Mertz – State Racing and Gaming Commission

AMENDMENTS FILED

S-5191	S.F.	451	Paul McKinley
S-5192	S.F.	2326	Robert M. Hogg
S-5193	S.F.	364	House
S-5194	S.F.	466	Matt McCoy
S-5195	H.F.	675	Ways and Means

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 11, 2012

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Father Ken Gehling, Chaplain of Mercy Medical Center in Mason City, Iowa. He was the guest of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hailey Albert.

The Journal of Tuesday, April 10, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 10, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2325, a bill for an act relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

ALSO: That the House has on April 10, 2012, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the Senate is asked:

House File 2337, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce

development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions.

ALSO: That the House has on April 10, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2462, a bill for an act relating to early school start date provisions, and including effective date and applicability provisions.

Read first time and referred to committee on **Government Oversight**.

House File 2464, a bill for an act relating to department of public health programs and activities, providing for a penalty, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

House File 2465, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:38 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Behn.

HOUSE AMENDMENT CONSIDERED

Senate File 466

Senator McCoy called up for consideration **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, amended by the House in House amendment S-3329, filed May 3, 2011.

Senator McCoy offered amendment S-5194, filed by him on April 10, 2012, to page 2 of House amendment S-3329, and moved its adoption.

Amendment S-5194 to House amendment S-3329 was adopted by a voice vote.

Senator McCoy moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator McCoy moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Behn	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Seymour
Black	Feenstra	Johnson	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	

Nays, 2:

Sorenson Zaun

Absent, 1:

Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 364

Senator Sodders called up for consideration **Senate File 364**, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties, amended by the House in House amendment S-5193, filed April 10, 2012.

Senator Sodders offered amendment S-5196, filed by him from the floor to page 1 of House amendment S-5193, and moved its adoption.

Amendment S-5196 to House amendment S-5193 was adopted by a voice vote.

Senator Sodders moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Sodders moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 364), the vote was:

Yeas, 39:

Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Behn	Dvorsky	Houser	Seng

Black	Ernst	Jochum	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hahn	McCoy	Zaun
Danielson	Hancock	Quirmbach	

Nays, 10:

Anderson	Feenstra	McKinley	Whitver
Bertrand	Hamerlinck	Seymour	
Chelgren	Johnson	Smith	

Absent, 1:

Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2334.

Senate File 2334

On motion of Senator Danielson, **Senate File 2334**, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on **Senate File 2334** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 364** and **466** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:57 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:18 p.m., President Kibbie presiding.

The Senate stood at ease at 1:19 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:27 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Anna Hilpipre, Commission on Community Action Agencies

Dolores Mertz, State Racing and Gaming Commission

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Kapucian

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of James Van Fossen as a member of the Public Employment Relations Board, placed on the Individual Confirmation Calendar on March 14, 2012, found on page 569 of the Senate Journal.

Senator Courtney moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 43:

Anderson	Dix	Hogg	Rielly
Bacon	Dvorsky	Horn	Schoenjahn
Bartz	Ernst	Houser	Seng
Beall	Feenstra	Jochum	Seymour
Behn	Fraise	Johnson	Smith
Bertrand	Greiner	Kettering	Sorenson
Boettger	Gronstal	Kibbie	Ward
Bolkcom	Hahn	Mathis	Whitver
Bowman	Hamerlinck	McCoy	Wilhelm
Chelgren	Hancock	McKinley	Zaun
Dearden	Hatch	Ragan	

Nays, 6:

Black	Danielson	Quirmbach
Courtney	Dotzler	Sodders

Absent, 1:

Kapucian

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Donald Zuck as a member of the the Iowa Great Places Board, placed on the Individual Confirmation Calendar on March 14, 2012, found on page 569 of the Senate Journal.

Senator Whitver moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Kapucian

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:49 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 3:02 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:03 p.m. until 3:30 p.m.

RECONVENED

The Senate reconvened at 3:47 p.m., President Kibbie presiding.

The Senate stood at ease at 3:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:25 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2012, passed the following bill in which the concurrence of the Senate is asked:

House File 2460, a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions.

Read first time and referred to committee on **Ways and Means**.

SENATE INSISTS

House File 2338

Senator Hogg called up for consideration **House File 2338**, a bill for an act relating to appropriations to the judicial branch, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2338** on the part of the Senate: Senators Hogg, Chair; Hancock, Fraise, Kettering, and Smith.

SENATE INSISTS

House File 2336

Senator Black called up for consideration **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2336** on the part of the Senate: Senators Black, Chair; Dearden, Wilhelm, Houser, and Greiner.

SENATE INSISTS

House File 2335

Senator Hancock called up for consideration **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2335** on the part of the Senate: Senators Hancock, Chair; Hogg, Fraise, Seymour, and Whitver.

SENATE INSISTS

House File 2337

Senator Dotzler called up for consideration **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2337** on the part of the Senate: Senators Dotzler, Chair; Seng, Mathis, Dix, and Bertrand.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2335, 2336, 2337, and 2338** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2012, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 364, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

ALSO: That the House has on April 11, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2333, a bill for an act providing a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health.

ALSO: That the House has on April 11, 2012, **insisted** on its amendment to **Senate File 2313**, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and the conference committee members on the part of the House are: the representative from Dallas, Representative Watts, Chair; the representative from Polk, Representative Hunter; the representative from Jasper, Representative Kelley; the representative from Black Hawk, Representative Rogers; the representative from Dickinson, Representative Jeff Smith.

ALSO: That the House has on April 11, 2012, **insisted** on its amendment to **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, and the conference committee members on the part of the House are: the representative from Cherokee, Representative Huseman, Chair; the representative from O'Brien, Representative Chambers; the representative from Des Moines, Representative Cohoon; the representative from Jones, Representative Hein; the representative from Chickasaw, Representative Quirk.

ALSO: That the House has on April 11, 2012, **insisted** on its amendment to **Senate File 2321**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, and including effective date and retroactive applicability provisions, and the conference committee members on the part of the House are: the representative from Ringgold, Representative Dolecheck, Chair; the representative from Polk, Representative Cownie; the representative from Woodbury, Representative Jorgensen; the representative from Cerro Gordo, Representative Steckman; the representative from Scott, Representative Winckler.

ALSO: That the House has on April 11, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2466, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Read first time and **attached to similar Senate File 2334**.

House File 2467, a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

Read first time and **attached to companion Senate File 2331**.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 2313** on the part of the Senate: Senators Jochum, Chair; Danielson, Bowman, Bartz, and Ernst.

The Chair announced the following conference committee on **Senate File 2316** on the part of the Senate: Senators McCoy, Chair; Beall, Dvorsky, Kapucian, and Anderson.

The Chair announced the following conference committee on **Senate File 2321** on the part of the Senate: Senators Schoenjahn, Chair; Quirmbach, Horn, Hamerlinck, and McKinley.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2313, 2316, and 2321** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:53 p.m. until 9:00 a.m., Thursday, April 12, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

The University of Northern Iowa Women's Rugby Team, Cedar Falls—For achieving their 8th consecutive year of heading to the National Collegiate Sweet 16. Senator Danielson (4/11/12).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

Sixteen students from Des Moines Area Community College, accompanied by Kim Heidemann. Senator Beall.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: Wednesday, April 11, 2012, 10:30 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Passed HF 2455.

Adjourned: 11:15 a.m.

HUMAN RESOURCES

Convened: Wednesday, April 11, 2012, 2:50 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Approved governor's appointee.

Adjourned: 2:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, April 10, 2012, 2:55 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Ragan, Schoenjahn, and Seng.

Members Absent: Kapucian and Sorenson (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 3:00 p.m.

INTRODUCTION OF BILL

Senate File 2337, by committee on Ways and Means, a bill for an act relating to health care cost containment measures and providing for a fee.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENT

House File 2464

WAYS AND MEANS: Mathis, Chair; Feenstra and Hogg

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: HOUSE FILE 2455, a bill for an act relating to the examinations of the finances of certain cities and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Courtney, Soddors, Sorenson, Greiner, and Kibbie. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2337 (formerly SF 2230), a bill for an act relating to health care cost containment measures and providing for a fee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Bolkcom, Seng, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, and Zaun. Nays, 5: Feenstra, Anderson, Bartz, Chelgren, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of April, 2012.

Senate File 2318.

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Maria Lara – Commission of Latino Affairs

NATURAL RESOURCES AND ENVIRONMENT

Cindy Greiman – Environmental Protection Commission
Max Smith – Environmental Protection Commission

AMENDMENTS FILED

S-5196	S.F.	364	Steven Sadders
S-5197	S.F.	2336	Mark Chelgren
S-5198	S.F.	2334	Tim L. Kapucian
			Steve Kettering
			Paul McKinley
			Brad Zaun
			Joni Ernst
			Robert Bacon
			Merlin Bartz
			Nancy J. Boettger
			James A. Seymour
			Hubert Houser
			Jerry Behn

Shawn Hamerlinck

Kent Sorenson

Rick Bertrand

Bill Anderson

Pat Ward

Mark Chelgren

David Johnson

Roby Smith

James F. Hahn

Sandra Greiner

Jack Whitver

Bill Dix

Randy Feenstra

S-5199 S.F. 2336

Jack Hatch

S-5200 S.F. 2336

Steve Kettering

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 12, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Mary Mathis from Xavier High School in Cedar Rapids, Iowa. She was the daughter and guest of Senator Mathis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachel Mortimer.

The Journal of Wednesday, April 11, 2012, was approved.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2012, appointed the conference committee to **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Lucas, Representative Arnold; the representative from Tama, Representative Horbach; the representative from Linn, Representative Todd Taylor; the representative from Clinton, Representative Wolfe.

ALSO: That the House has on April 11, 2012, appointed the conference committee to **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and the conference committee members on the part of the House are: the representative from Cass, Representative Drake, Chair; the representative from Sioux, Representative Alons; the representative from Scott, Representative Lykam; the representative from Crawford, Representative Muhlbauer; the representative from Scott, Representative Paustian.

ALSO: That the House has on April 11, 2012, appointed the conference committee to **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, and the conference committee members on the part of the House are: the representative from Crawford, Representative Schultz, Chair; the representative from Boone, Representative Baltimore; the representative from Woodbury, Representative Hall; the representative from Johnson, Representative Jacoby; the representative from Woodbury, Representative Jeremy Taylor.

ALSO: That the House has on April 11, 2012, appointed the conference committee to **House File 2338**, a bill for an act relating to appropriations to the judicial branch, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Lucas, Representative Arnold; the representative from Tama, Representative Horbach; the representative from Linn, Representative Todd Taylor; the representative from Clinton, Representative Wolfe.

The Senate stood at ease at 9:19 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:38 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kapucian, Houser, and Greiner, until they arrive, on request of Senator Behn.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2331.

Senate File 2331

On motion of Senator Black, **Senate File 2331**, a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable, with report of committee without recommendation, was taken up for consideration.

Senator Black asked and received unanimous consent that **House File 2467** be **substituted** for **Senate File 2331**.

House File 2467

On motion of Senator Black, **House File 2467**, a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2467), the vote was:

Yeas, 29:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Boettger	Ernst	Johnson	Seng
Bolkcom	Fraise	Kibbie	Wilhelm
Bowman	Gronstal	Mathis	
Courtney	Hahn	McCoy	
Danielson	Hancock	Quirmbach	

Nays, 18:

Anderson	Dix	McKinley	Ward
Bacon	Feenstra	Seymour	Whitver
Behn	Hamerlinck	Smith	Zaun
Bertrand	Hatch	Sodders	
Chelgren	Kettering	Sorenson	

Absent, 3:

Greiner	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Black asked and received unanimous consent that **Senate File 2331** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2467** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2336.

Senate File 2336

On motion of Senator Hatch, **Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, was taken up for consideration.

Senator Hatch withdrew amendment S-5199, filed by him on April 11, 2012, to pages 1-3, 11, 12, 15-16, 18, 19, 32, 34, 37, 41, 42, 48, 53-58, 62, 64, 68, 69, 74-75, 77, 79, and 85 of the bill.

Senator Chelgren withdrew amendment S-5197, filed by him on April 11, 2012, to page 77 of the bill.

Senator Kettering withdrew amendment S-5200, filed by him on April 11, 2012, to page 77 of the bill.

Senator Hatch offered amendment S-5201, filed by him from the floor to pages 1-3, 11, 12, 14-16, 18, 19, 32, 34, 37, 41, 42, 54, 56-58, 63, 64, 66, 67, 69, 70, 74, 75, 78, 80, 84, and 85 of the bill, and moved its adoption.

Amendment S-5201 was adopted by a voice vote.

Senator Kettering offered amendment S-5202, filed by him from the floor to page 78 of the bill, and moved its adoption.

Amendment S-5202 was adopted by a voice vote.

Senator Chelgren offered amendment S-5203, filed by him from the floor to page 78 of the bill.

Senator Hogg asked and received unanimous consent that action on amendment S-5203 be deferred.

Senator Chelgren offered amendment S-5204, filed by him from the floor to page 80 of the bill.

Senator Dvorsky raised the point of order that amendment S-5204 was not germane to the bill.

Senator Dvorsky withdrew his point of order.

Senator Chelgren withdrew amendment S-5204.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2336** be **deferred**.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Cindy Greiman, Environmental Protection Commission
Max Smith, Environmental Protection Commission

Maria Lara, Commission of Latino Affairs

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Jochum	Seymour
Behn	Dvorsky	Johnson	Smith
Bertrand	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Sorenson
Boettger	Fraise	Mathis	Ward
Bolkcom	Gronstal	McCoy	Whitver

Bowman	Hahn	McKinley	Wilhelm
Chelgren	Hamerlinck	Quirnbach	Zaun
Courtney	Hancock	Ragan	

Nays, none.

Absent, 3:

Greiner	Houser	Kapucian
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

The Senate stood at ease at 11:34 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:52 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 2336

The Senate resumed consideration of **Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, previously deferred.

The Senate resumed consideration of amendment S-5203, previously deferred.

Senator Chelgren offered amendment S-5209, filed by him from the floor to pages 1-3 of amendment S-5203, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5209 to amendment S-5203 be adopted?" (S.F. 2336), the vote was:

Yeas, 21:

Anderson	Chelgren	Johnson	Ward
Bacon	Dix	Kettering	Whitver
Bartz	Ernst	McKinley	Zaun

Behn	Feenstra	Seymour
Bertrand	Hahn	Smith
Boettger	Hamerlinck	Sorenson

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 3:

Greiner	Houser	Kapucian
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Amendment S-5209 to amendment S-5203 lost.

Senator Hogg offered amendment S-5208, filed by Senators Hogg and Hatch from the floor to pages 1-3 of amendment S-5203.

Senator Bartz raised the point of order that amendment S-5208 to amendment S-5203 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5208 to amendment S-5203 out of order.

The Senate resumed consideration of amendment S-5203.

Senator Hogg raised the point of order that amendment S-5203 was not germane to the bill.

Senator Hogg withdrew his point of order.

Senator Hatch asked and received unanimous consent that action on amendment S-5203 and **Senate File 2336** be **deferred**.

The Senate stood at ease at 2:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:34 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-5203 and Senate File 2336, previously deferred.

Senator Chelgren withdrew amendment S-5203.

Senator Johnson offered amendment S-5206, filed by Senator Johnson, et al., from the floor to pages 32 and 60 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5206 be adopted?" (S.F. 2336), the vote was:

Yeas, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Dix	Kettering	Ward
Bartz	Ernst	McKinley	Whitver
Behn	Feenstra	Seng	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

Nays, 25:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hancock	McCoy	
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 3:

Greiner	Houser	Kapucian
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Amendment S-5206 lost.

Senator Johnson offered amendment S-5207, filed by Senator Johnson, et al., from the floor to pages 32, 59, and 60 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5207 be adopted?” (S.F. 2336), the vote was:

Yeas, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Dix	Kettering	Ward
Bartz	Ernst	McKinley	Whitver
Behn	Feenstra	Seng	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

Nays, 25:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hancock	McCoy	
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, 3:

Greiner	Houser	Kapucian
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Amendment S–5207 lost.

Senator Hogg offered amendment S–5210, filed by Senators Hogg and Hatch from the floor to page 78 of the bill.

(Amendment S–5210 and Senate File 2336 were deferred.)

The Senate stood at ease at 2:51 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:59 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2336 and amendment S–5210, previously deferred.

Senator Hogg moved the adoption of amendment S–5210.

A record roll call was requested.

On the question "Shall amendment S-5210 be adopted?" (S.F. 2336), the vote was:

Yeas, 47:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Jochum	Seymour
Behn	Dvorsky	Johnson	Smith
Bertrand	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Sorenson
Boettger	Fraise	Mathis	Ward
Bolkcom	Gronstal	McCoy	Whitver
Bowman	Hahn	McKinley	Wilhelm
Chelgren	Hamerlinck	Quirmbach	Zaun
Courtney	Hancock	Ragan	

Nays, none.

Absent, 3:

Greiner	Houser	Kapucian
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Amendment S-5210 was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2336), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 21:

Anderson	Chelgren	Johnson	Ward
Bacon	Dix	Kettering	Whitver
Bartz	Ernst	McKinley	Zaun

Behn	Feenstra	Seymour
Bertrand	Hahn	Smith
Boettger	Hamerlinck	Sorenson

Absent, 3:

Greiner	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2336** be **immediately messaged** to the House.

REFUSAL OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Colleen Pasnik as a member of the Board of Medicine, placed on the Individual Confirmation Calendar on March 22, 2012, found on page 649 of the Senate Journal.

Senator Hatch moved that the foregoing appointment be refused confirmation by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 29:

Anderson	Chelgren	Hancock	Smith
Bacon	Dix	Jochum	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Fraise	McKinley	Zaun
Black	Gronstal	Schoenjahn	
Boettger	Hahn	Seng	
Bowman	Hamerlinck	Seymour	

Nays, 18:

Beall	Dotzler	Kibbie	Rielly
Bolkcom	Dvorsky	Mathis	Sodders
Courtney	Hatch	McCoy	Wilhelm

Danielson	Hogg	Quirnbach
Dearden	Horn	Ragan

Absent, 3:

Greiner	Houser	Kapucian
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The appointee, having failed to receive a two-thirds vote, was declared to have failed confirmation by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:34 p.m. until 1:00 p.m., Monday, April 16, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mike Glover, Associated Press, Des Moines—For nearly 30 years of covering the Iowa Legislature and for his widely recognized campaign and election expertise. Senator Kibbie (4/12/12).

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: Tuesday, April 10, 2012, 11:50 a.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Feenstra, Fraise, Horn, Jochum, McCoy, Smith, and Soddors.

Members Absent: Dix and Hatch (excused).

Committee Business: Approved governor's appointees.

Adjourned: 11:55 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 118, by Kibbie, Gronstal, and Behn, a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2264
(Reassigned)

APPROPRIATIONS: McCoy, Chair; Dix and Dvorsky

House File 2458

APPROPRIATIONS: Schoenjahn, Chair; Ragan and Seymour

House File 2460

WAYS AND MEANS: Dotzler, Chair; Bolkom and Feenstra

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 12, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 413 – Relating to financial responsibilities of local emergency management commissions.

Senate File 2097 – Relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions.

Senate File 2126 – Providing for the funding of the duties of the state's social security administrator.

Senate File 2164 – Relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

Senate File 2208 – Relating to the confidentiality of an arrest warrant.

Senate File 2245 – Requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

Senate File 2267 – Concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

Senate File 2289 – Relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.

Senate File 2312 – Relating to persons with mental health illnesses and substance-related disorders.

Senate File 2318 – Relating to the Iowa health information network, providing for fees, and including effective date provisions.

AMENDMENTS FILED

S-5201	S.F.	2336	Jack Hatch
S-5202	S.F.	2336	Steve Kettering
S-5203	S.F.	2336	Mark Chelgren
S-5204	S.F.	2336	Mark Chelgren
S-5205	H.F.	2459	Thomas G. Courtney
S-5206	S.F.	2336	David Johnson
			Steve Kettering
			Paul McKinley
			James F. Hahn
			Bill Anderson
			Kent Sorenson
			Jerry Behn
			Joni Ernst
			Brad Zaun
			Rick Bertrand
			Randy Feenstra
			Roby Smith
			Jack Whitver
S-5207	S.F.	2336	David Johnson
			Roby Smith
			Randy Feenstra
			James F. Hahn
			Steve Kettering
			Joni Ernst
			Rick Bertrand
			Bill Anderson
			Kent Sorenson
			Brad Zaun
			Jerry Behn

			Paul McKinley
			Mark Chelgren
			Jack Whitver
S-5208	S.F.	2336	Robert M. Hogg
			Jack Hatch
S-5209	S.F.	2336	Mark Chelgren
S-5210	S.F.	2336	Robert M. Hogg
			Jack Hatch
S-5211	S.F.	2283	Dennis H. Black

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 16, 2012

The Senate met in regular session at 1:12 p.m., President Kibbie presiding.

Prayer was offered by Father Ray Atwood of St. Peter's Catholic Church in New Haven, Iowa. He was the guest of Senator Bartz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Thursday, April 12, 2012, was approved.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Richard Running, former member of the Senate from Linn County, Cedar Rapids, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Horn, until he arrives, on request of Senator Dearden; and Senator Ward, until she arrives, on request of Senator Zaun.

HOUSE AMENDMENT CONSIDERED

Senate File 2283

Senator Black called up for consideration **Senate File 2283**, a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable, amended by the House in House amendment S-5062, filed March 12, 2012.

Senator Black offered amendment S-5211, filed by him on April 12, 2012, to pages 1 and 2 of House amendment S-5062, and moved its adoption.

Amendment S-5211 was adopted by a voice vote.

Senator Black moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Black moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2283), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Quirmbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Houser	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Bertrand	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun

Nays, none.

Absent, 2:

Horn Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2455.

House File 2455

On motion of Senator Courtney, **House File 2455**, a bill for an act relating to the examinations of the finances of certain cities and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2455), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Houser	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Bertrand	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun

Nays, none.

Absent, 2:

Horn	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 11, 2012)

Senate File 2334

The Senate resumed consideration of **Senate File 2334**, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions, deferred April 11, 2012.

Senator Danielson asked and received unanimous consent that action on **Senate File 2334** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2283** and **House File 2455** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:57 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 3:18 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Danielson asked and received unanimous consent to take up for consideration House File 675.

House File 675

On motion of Senator Hogg, **House File 675**, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment S-5195, filed by the committee on Ways and Means on April 10, 2012, to pages 5-8 and 20 of the bill.

Senator Hogg offered amendment S-5212, filed by him from the floor to pages 1 and 2 of amendment S-5195, and moved its adoption.

Amendment S-5212 to amendment S-5195 was adopted by a voice vote.

Senator Hogg moved the adoption of amendment S-5195, as amended.

Amendment S-5195, as amended, was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 675), the vote was:

Yeas, 46:

Anderson	Dearden	Hatch	Rielly
Bacon	Dix	Hogg	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kibbie	Sorenson
Bolkcom	Greiner	Mathis	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Danielson	Hancock	Ragan	

Nays, 2:

Bartz	Kettering
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Absent, 2:

Horn	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 675** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:27 p.m. until 9:00 a.m., Tuesday, April 16, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

LAW ENFORCEMENT ACADEMY

FY 2011 Annual Report, pursuant to Iowa Code section 80B.10. Report received on April 13, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ryan Fouts, Merville—For achieving the rank of Eagle Scout. Senator Anderson (4/16/12).

Catherine Lawrence, Muscatine—For winning Second Place in Level III in the 2012 Iowa Letters About Literature contest. Senator Hahn (4/16/12).

Jerry and Virginia Olmsted Campbell, Urbandale—For celebrating their 50th wedding anniversary. Senator Zaun (4/16/12).

Hazel See, Tama—For celebrating her 90th birthday. Senator Kapucian (4/16/12).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Monday, April 16, 2012, 2:55 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SRs 106, 119, 120, 121, 122, 123, 124, 125, 126, 127, and 128.

Adjourned: 3:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 119, by committee on Rules and Administration, a resolution thanking Senator Robert Bacon for his service in the Iowa Senate.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 120, by committee on Rules and Administration, a resolution to honor Senator James A. Seymour on his retirement from the Senate.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 121, by committee on Rules and Administration, a resolution honoring the public service of Senator Thomas J. Rielly.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 122, by committee on Rules and Administration, a resolution thanking Senator Tom Hancock for his service in the Iowa Senate.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 123, by committee on Rules and Administration, a resolution to honor Senator Eugene Fraise for over a quarter of a century of public service.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 124, by committee on Rules and Administration, a resolution to honor Senator John Patrick “Jack” Kibbie on his retirement from the Senate.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 125, by committee on Rules and Administration, a resolution honoring Senator Paul McKinley on his retirement from the Iowa Senate.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 126, by Kibbie, Gronstal, and Behn, a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 127, by committee on Rules and Administration, a resolution to honor Steve Conway for over a quarter of a century of service to the Senate.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 128, by committee on Rules and Administration, a resolution honoring the public service of Senator Steve Kettering.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 106, a resolution honoring Art Pennington, an American baseball great.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 119, a resolution thanking Senator Robert Bacon for his service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 120, a resolution to honor Senator James A. Seymour on his retirement from the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 121, a resolution honoring the public service of Senator Thomas J. Rielly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 122, a resolution thanking Senator Tom Hancock for his service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 123, a resolution to honor Senator Eugene Fraise for over a quarter of a century of public service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 124, a resolution to honor Senator John Patrick “Jack” Kibbie on his retirement from the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 125, a resolution honoring Senator Paul McKinley on his retirement from the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 126, a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 127, a resolution to honor Steve Conway for over a quarter of a century of service to the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 128, a resolution honoring the public service of Senator Steve Kettering.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2317, the following corrections were made:

1. Page 3, line 16 through page 4, line 12: renumbered paragraphs “Oh-y” to “h-aa”.
2. Page 5, line 13 through page 6, line 2: renumbered paragraphs “Op-z” to “p-aa”.
3. Page 7, line 22: changed internal reference from paragraph “h” to paragraph “I”.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 16th day of April, 2012.

Senate Files 2112, 2158, 2216, 2217, 2311, 2317, 2325, and 2329.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5212	H.F.	675	Robert M. Hogg
S-5213	S.F.	2334	Jeff Danielson

JOURNAL OF THE SENATE

ONE-HUNDREDTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 17, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Katie Kustra, a senior at Kuemper High School in Carroll, Iowa. She was the guest and granddaughter of President Kibbie.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie Kustra, who sang “The National Anthem.”

Kennedy High School Show Choir from Cedar Rapids, Iowa, sang a patriotic ballad. They were the guests of Senators Hogg and Mathis.

The Journal of Monday, April 16, 2012, was approved.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 119, 120, 128, 127, 126, and 125.

Senate Resolution 119

On motion of Senator Behn, **Senate Resolution 119**, a resolution thanking Senator Robert Bacon for his service in the Iowa Senate, was taken up for consideration.

Senator Behn moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Bacon.

Senator Bacon addressed the Senate with brief remarks.

Senate Resolution 120

On motion of Senator Behn, **Senate Resolution 120**, a resolution to honor Senator James A. Seymour on his retirement from the Senate, was taken up for consideration.

Senator Behn moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Seymour.

Senator Seymour addressed the Senate with brief remarks.

Senate Resolution 128

On motion of Senator Zaun, **Senate Resolution 128**, a resolution honoring the public service of Senator Steve Kettering, was taken up for consideration.

Senator Zaun moved the adoption of Senate Resolution 128, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Kettering.

Senator Kettering addressed the Senate with brief remarks.

President Pro Tempore Danielson took the chair at 10:41 a.m.

Senate Resolution 127

On motion of Senator Kibbie, **Senate Resolution 127**, a resolution to honor Steve Conway for over a quarter of a century of service to the Senate, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Resolution 127, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute.

Senate Resolution 126

On motion of Senator Gronstal, **Senate Resolution 126**, a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 126, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute.

Senate Resolution 125

On motion of Senator Zaun, **Senate Resolution 125**, a resolution honoring Senator Paul McKinley on his retirement from the Iowa Senate, was taken up for consideration.

Senator Zaun moved the adoption of Senate Resolution 125, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator McKinley.

Senator McKinley addressed the Senate with brief remarks.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:00 p.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 1:43 p.m., President Pro Tempore Danielson presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2322, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 123, 122, 121, and 124.

Senate Resolution 123

On motion of President Kibbie, **Senate Resolution 123**, a resolution to honor Senator Eugene Fraise for over a quarter of a century of public service, was taken up for consideration.

President Kibbie moved the adoption of Senate Resolution 123, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Fraise.

Senator Fraise addressed the Senate with brief remarks.

Senate Resolution 122

On motion of Senator Rielly, **Senate Resolution 122**, a resolution thanking Senator Tom Hancock for his service in the Iowa Senate, was taken up for consideration.

Senator Rielly moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Hancock.

Senator Hancock addressed the Senate with brief remarks.

Senate Resolution 121

On motion of Senator Hancock, **Senate Resolution 121**, a resolution honoring the public service of Senator Thomas J. Rielly, was taken up for consideration.

Senator Hancock moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Rielly.

Senator Rielly addressed the Senate with brief remarks.

Senate Resolution 124

On motion of Senator Fraise, **Senate Resolution 124**, a resolution to honor Senator John Patrick “Jack” Kibbie on his retirement from the Senate, was taken up for consideration.

Senator Fraise moved the adoption of Senate Resolution 124, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Kibbie.

Senator Kibbie addressed the Senate with brief remarks.

Senator Hancock took the chair at 3:56 p.m.

President Pro Tempore Danielson took the chair at 4:02 p.m.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2012, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2283, a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable.

ALSO: That the House has on April 17, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2328, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

ALSO: That the House has on April 17, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 675, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions.

ALSO: That the House has on April 17, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 430, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including fee and effective date provisions. (S-5215)

Senate File 2284, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools. (S-5216)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:47 p.m. until 9:00 a.m., Wednesday, April 18, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dean Borg, Mount Vernon—For achieving the 2012 Mitchell V. Charnley Award.
Senator Dvorsky (4/17/12).

Mark Farlinger, Cresco—For achieving the rank of Eagle Scout, Troop 261. Senator Bartz (4/17/12).

Ms. Emilee Boyle Gehling, Sioux City—For her dedication to liberty and for making history—Bertrand v. Mullin (2012). Senator Bertrand (4/17/12).

Ms. Jeana Goosmann, Sioux City—For showing courage and making history—Bertrand v. Mullin (2012). Senator Bertrand (4/17/12).

Sister Myrtle Keller, Sioux City—For 50 years of passion as our medical missionary. Senator Bertrand (4/17/12).

The Kennedy High School Show Choir, Happiness, Inc., Cedar Rapids—For being named Grand Champion at Show Choir Nationals 2012. Senators Mathis, Hogg, Horn, and Dvorsky (4/17/12).

Mildred Kay Lucas, Bedford—For being selected as “National Mother of Achievement” by American Mothers, Inc. Senator Ernst (4/17/12).

The Honorable James Seymour—For dedicated service representing the people of Western Iowa. Senator Boettger (4/17/12).

Bill and Judy Travis, Vinton—For celebrating their 60th wedding anniversary. Senator Kapucian (4/17/12).

Ms. Shannon Wilke, Sioux City—For fighting for truth—Bertrand v. Mullin (2012). Senator Bertrand (4/17/12).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Tuesday, April 17, 2012, 12:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkom, Danielson, Dotzler, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Fraise and Houser (both excused).

Committee Business: Passed SF 2299 and HF 2458.

Recessed: 12:10 p.m.

Reconvened: 1:00 p.m.

Adjourned: 1:10 p.m.

STUDY BILL RECEIVED

SSB 3203 Ways and Means

Authorizing the establishment of a distributed generation pilot project and making penalties applicable.

SUBCOMMITTEE ASSIGNMENT

SSB 3203

WAYS AND MEANS: Hogg, Chair; Bolkcom and Feenstra

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2458, a bill for an act establishing a rural Iowa primary care loan repayment program and trust fund to be administered by the college student aid commission.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 2: Fraise and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5214	H.F.	2329	Dick L. Dearden
S-5215	S.F.	430	House
S-5216	S.F.	2284	House
S-5217	H.F.	2422	Tom Hancock

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 18, 2012

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Senate Pages Nina Liu and Taylor Broshar. Taylor sang “Ave Maria”, accompanied by Nina on the violin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Nina Liu and Taylor Broshar.

The Journal of Tuesday, April 17, 2012, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 106.

Senate Resolution 106

On motion of Senator Hatch, **Senate Resolution 106**, a resolution honoring Art Pennington, an American baseball great, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Hatch introduced to the Senate chamber baseball great, Art Pennington.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:42 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Ward, until they arrive, on request of Senator Behn; and Senator Dvorsky, until he arrives, on request of Senator Gronstal.

UNFINISHED BUSINESS
(Deferred March 27, 2012)**House File 2343**

The Senate resumed consideration of **House File 2343**, a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal, deferred March 27, 2012.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2343), the vote was:

Yeas, 46:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Jochum	Seng
Beall	Ernst	Johnson	Seymour
Behn	Feenstra	Kapucian	Smith
Bertrand	Fraise	Kettering	Sodders

Boettger	Greiner	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 1:

Black

Absent, 3:

Dvorsky	Houser	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dearden asked and received unanimous consent that **Senate File 2253** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2284

Senator Quirmbach called up for consideration **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, amended by the House in House amendment S-5216, filed April 17, 2012.

Senator Quirmbach moved that the Senate concur and vote “No” in the House amendment.

The motion failed by a voice vote and the Senate refused to concur in the House amendment.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2335.

Senate File 2335

On motion of Senator Danielson, **Senate File 2335**, a bill for an act concerning public safety, by establishing a public safety training and equipment trust fund, establishing a public safety training and facilities task force, and making appropriations, was taken up for consideration.

Senator Sodders offered amendment S-5218, filed by him from the floor to pages 1-3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5218 be adopted?" (S.F. 2335), the vote was:

Yeas, 33:

Anderson	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Bertrand	Fraise	Kapucian	Sodders
Black	Gronstal	Kibbie	Sorenson
Bolkcom	Hahn	Mathis	Wilhelm
Bowman	Hamerlinck	McCoy	
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 15:

Bacon	Dix	Johnson	Smith
Behn	Ernst	Kettering	Whitver
Boettger	Feenstra	McKinley	Zaun
Chelgren	Greiner	Seymour	

Absent, 2:

Houser	Ward
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Amendment S-5218 was adopted.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2335), the vote was:

Yeas, 35:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schoenjahn
Bertrand	Fraise	Jochum	Seng
Black	Greiner	Kapucian	Sodders
Bolkcom	Gronstal	Kibbie	Sorenson
Bowman	Hahn	Mathis	Wilhelm
Courtney	Hamerlinck	McCoy	

Nays, 13:

Behn	Ernst	McKinley	Zaun
Boettger	Feenstra	Seymour	
Chelgren	Johnson	Smith	
Dix	Kettering	Whitver	

Absent, 2:

Houser	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2284 and 2335** and **House File 2343** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:28 a.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 1:36 p.m., President Kibbie presiding.

The Senate stood at ease at 1:37 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 2:07 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2422.

House File 2422

On motion of Senator Hancock, **House File 2422**, a bill for an act relating to sex offender notification, providing penalties, and including effective date provisions, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Hancock withdrew amendment S-5217, filed by him on April 17, 2012, to pages 1-6 and 8-11 and amending the title page of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Behn.

Senator Hancock offered amendment S-5219, filed by him from the floor to pages 1-6 and 8-11 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5219 be adopted?" (H.F. 2422), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng

Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 21:

Anderson	Chelgren	Hamerlinck	Sorenson
Bacon	Dix	Johnson	Whitver
Bartz	Ernst	Kettering	Zaun
Behn	Feenstra	McKinley	
Bertrand	Greiner	Seymour	
Boettger	Hahn	Smith	

Absent, 3:

Houser	Kapucian	Ward
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Amendment S-5219 was adopted.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2422), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kettering	Sodders
Boettger	Fraise	Kibbie	Sorenson
Bolkcom	Greiner	Mathis	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	

Nays, none.

Absent, 3:

Houser	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2422** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:34 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 4:14 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Kettering, the Senate adjourned at 4:15 p.m. until 9:00 a.m., Thursday, April 19, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Yvonne Church, Sioux City—For being named the 2013 Sioux City Community School District “Teacher of the Year.” Senators Bertrand and Anderson (4/18/12).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

Jacob Mayer, senior at South Central Calhoun High School and member of the Iowa Youth Advisory Council, accompanied by his parents, Mike and Leisa Mayer; Tori Jones, senior at South Central Calhoun High School; and MaeLaan Nesbitt, freshman at Morningside University. Senator Beall.

INTRODUCTION OF BILL

Senate File 2338, by committee on Appropriations, a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2338 (formerly SF 2299), a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent, 2: Fraise and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2338, and they were attached to the committee report.

AMENDMENTS FILED

S-5218	S.F.	2335	Steven J. Soddors
S-5219	H.F.	2422	Tom Hancock

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 19, 2012

The Senate met in regular session at 9:16 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Eugene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Wednesday, April 18, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2336, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions. (S-5221)

ALSO: That the House has on April 18, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2470, a bill for an act providing for sales and use taxes collected on farm machinery and equipment.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 18, 2012, **insisted** on its amendment to **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, and including effective date provisions, and the conference committee members on the part of the House are: the representative from O'Brien, Representative Chambers, Chair; the representative from Ringgold, Representative Dolecheck; the representative from Pottawattamie, Representative Forristall; the representative from Johnson, Representative Mascher; the representative from Cerro Gordo, Representative Steckman.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2284** on the part of the Senate: Senators Quirmbach, Chair; Schoenjahn, Bowman, Hamerlinck, and Boettger.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2284** be **immediately messaged** to the House.

The Senate stood at ease at 10:12 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:52 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Ward, and Kapucian, until they arrive, on request of Senator Behn.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2338.

Senate File 2338

On motion of Senator Danielson, **Senate File 2338**, a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions, was taken up for consideration.

Senator Dix withdrew amendment S-5222, filed by him from the floor to pages 39-42 of the bill.

Senator Danielson offered amendment S-5223, filed by him from the floor to pages 2, 52, 53, and 55 of the bill, and moved its adoption.

Amendment S-5223 was adopted by a voice vote.

Senator Whitver asked and received unanimous consent that action on **Senate File 2338** be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2459.

House File 2459

On motion of Senator Seng, **House File 2459**, a bill for an act relating to the assessment of moneys on sheep and wool production, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Courtney withdrew amendment S-5205, filed by him on April 12, 2012, to page 3 of the bill.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2459), the vote was:

Yeas, 31:

Bacon	Danielson	Hogg	Quirmbach
Bartz	Ernst	Horn	Ragan
Beall	Fraise	Jochum	Rielly
Behn	Greiner	Johnson	Schoenjahn
Black	Gronstal	Kettering	Seng
Boettger	Hahn	Kibbie	Seymour
Bolkcom	Hancock	Mathis	Wilhelm
Bowman	Hatch	McKinley	

Nays, 16:

Anderson	Dearden	Feenstra	Sodders
Bertrand	Dix	Hamerlinck	Sorenson
Chelgren	Dotzler	McCoy	Whitver
Courtney	Dvorsky	Smith	Zaun

Absent, 3:

Houser	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2458.

House File 2458

On motion of Senator Schoenjahn, **House File 2458**, a bill for an act establishing a rural Iowa primary care loan repayment program and trust fund to be administered by the college student aid commission, with report of committee recommending passage, was taken up for consideration.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2458), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kettering	Sodders
Boettger	Fraise	Kibbie	Sorenson
Bolkcom	Greiner	Mathis	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	

Nays, none.

Absent, 3:

Houser	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2336

Senator Hatch called up for consideration **Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, amended by the House in House amendment S-5221, filed April 19, 2012.

(Senate File 2336 and amendment S-5221 were deferred.)

The Senate stood at ease at 12:21 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:26 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 50 members present and a quorum present.

The Senate resumed consideration of Senate File 2336 and amendment S-5221, previously deferred.

Senator Johnson offered amendment S-5227, filed by Senator Johnson, et al., from the floor to pages 1-63 of House amendment S-5221, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5227 to House amendment S-5221 be adopted?" (S.F. 2336), the vote was:

Yeas, 25:

Anderson	Dix	Johnson	Sorenson
Bacon	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Bertrand	Hahn	Seng	
Boettger	Hamerlinck	Seymour	
Chelgren	Houser	Smith	

Nays, 25:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hancock	McCoy	
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5227 to amendment S-5221 lost.

Senator Hatch moved that the Senate concur and vote "No" in the House amendment.

The motion failed by a voice vote and the Senate refused to concur in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2336** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2338

The Senate resumed consideration of **Senate File 2338**, a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions, previously deferred.

Senator Danielson offered amendment S-5226, filed by Senators Danielson and Kettering from the floor to page 50 and amending the title page of the bill, and moved its adoption.

Amendment S-5226 was adopted by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley and Ward, until they return, on request of Senator Zaun.

Senator Whitver offered amendment S-5224, filed by Senator Whitver, et al., from the floor to page 56 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5224 be adopted?" (S.F. 2338), the vote was:

Yeas, 24:

Anderson	Dix	Johnson	Whitver
Bacon	Ernst	Kapucian	Wilhelm
Bartz	Feenstra	Kettering	Zaun
Behn	Greiner	Seymour	
Bertrand	Hahn	Smith	
Boettger	Hamerlinck	Sodders	
Chelgren	Houser	Sorenson	

Nays, 24:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng

Bowman	Gronstal	Mathis
Courtney	Hancock	McCoy
Danielson	Hatch	Quirnbach
Dearden	Hogg	Ragan

Absent, 2:

McKinley	Ward
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Amendment S-5224 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Zaun.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2338), the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Seng
Bacon	Dix	Horn	Seymour
Bartz	Dotzler	Jochum	Smith
Beall	Dvorsky	Johnson	Sodders
Behn	Ernst	Kapucian	Sorenson
Bertrand	Feenstra	Kettering	Whitver
Black	Fraise	Kibbie	Wilhelm
Boettger	Greiner	Mathis	Zaun
Bolkcom	Gronstal	McCoy	
Bowman	Hahn	Quirnbach	
Chelgren	Hamerlinck	Ragan	
Courtney	Hancock	Rielly	
Danielson	Hatch	Schoenjahn	

Nays, none.

Absent, 3:

Houser	McKinley	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2338** and **House Files 2458** and **2459** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:41 p.m. until 12:00 p.m., Monday, April 23, 2012.

APPENDIX

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, April 18, 2012, 2:40 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed HF's 2460 and 2464. Approved SSB 3202.

Recessed: 2:45 p.m.

Reconvened: 3:25 p.m.

Adjourned: 4:10 p.m.

INTRODUCTION OF BILLS

Senate File 2339, by committee on Ways and Means, a bill for an act increasing the amount available for allocation to the brownfields and grayfields redevelopment tax credits under the aggregate tax credit limit and including effective date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2340, by Gronstal, a bill for an act extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

SUBCOMMITTEE ASSIGNMENT

House File 2470

WAYS AND MEANS: Hogg, Chair; Bartz and Black

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2339 (SSB 3202), a bill for an act increasing the amount available for allocation to the brownfields and grayfields redevelopment tax credits under the aggregate tax credit limit and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2460, a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5220.

Final Vote: Ayes, 11: Bolkcom, Seng, Feenstra, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, and Zaun. Nays, 3: Anderson, Bartz, and Smith. Present, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2464, a bill for an act relating to department of public health programs and activities, providing for a penalty, and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2112 – Relating to transportation, including by providing for the registration and titling of military vehicles and allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status and allowing the commission of veterans affairs to allocate certain funds.

Senate File 2158 – Relating to reimbursement of speech pathology services under the medical assistance program.

Senate File 2216 – Relating to apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

Senate File 2217 – Relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

Senate File 2311 – Revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions.

Senate File 2317 – Relating to the issuance of hunting, fur dealer, fur harvester, and fishing licenses, providing for fees, and including effective date provisions.”

Senate File 2325 – Relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

Senate File 2329 – Relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

AMENDMENTS FILED

S-5220	H.F.	2460	Ways and Means
S-5221	S.F.	2336	House
S-5222	S.F.	2338	Bill Dix
S-5223	S.F.	2338	Jeff Danielson
S-5224	S.F.	2338	Jack Whitver
			Shawn Hamerlinck
			Mark Chelgren
			Robert Bacon
			Nancy J. Boettger
			Joni Ernst
			Sandra Greiner
			James F. Hahn
			Kent Sorenson
			Bill Anderson
			Rick Bertrand
			Roby Smith
			David Johnson
			Merlin Bartz
S-5225	H.F.	2460	Merlin Bartz
S-5226	S.F.	2338	Jeff Danielson
			Steve Kettering
S-5227	S.F.	2336	David Johnson
			Nancy J. Boettger
			James A. Seymour
			Jerry Behn
			Brad Zaun
			Rick Bertrand
			Steve Kettering
			James F. Hahn
			Robert Bacon
			Bill Anderson

Randy Feenstra
Roby Smith
Jack Whitver
Tim Kapucian
Merlin Bartz
Sandra Greiner
Mark Chelgren
Hubert Houser
Kent Sorenson
Joni Ernst
Pat Ward
Bill Dix

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 2, 2012

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by Pastor Rich Taylor of Samuel Lutheran Church in Eagle Grove, Iowa. He was the guest of Senator Bacon.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Adam Pitts.

The Journal of Thursday, March 29, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2126, a bill for an act providing for the funding of the duties of the state's social security administrator.

Senate File 2324, a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

ALSO: That the House has on March 29, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2123, a bill for an act making changes to the controlled substance schedules, and making penalties applicable. (S-5157)

ALSO: That the House has on March 29, 2012, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2226, a bill for an act relating to child abuse reports and disposition data.

House File 2305, a bill for an act relating to the powers and duties of the department on aging.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:24 p.m. until 9:00 a.m., Tuesday, April 3, 2012.

APPENDIX

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: Tuesday, March 27, 2012, 10:00 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Presentation by UNI.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

Senate File 2327, by committee on Appropriations, a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for a tax credit and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 2328, by committee on Ways and Means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2329, by committee on Ways and Means, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2330, by committee on Ways and Means, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2327 (formerly SF 2323), a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for a tax credit and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2327, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2284, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 2328 (SSB 3131), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2328, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2329 (formerly SF 2168), a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, and Quirnbach. Nays, 3: Chelgren, Smith, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2329, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2330 (formerly SF 2309), a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2330, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2096 – Relating to reimbursements for certain state prisoners confined in a county jail.

Senate File 2122 – Exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

Senate File 2153 – Increasing the size of the commercial and industrial highway network.

Senate File 2159 – Relating to child support enforcement including protection of child support information.

Senate File 2160 – Relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

Senate File 2163 – Relating to an exception from state certification for adult day services programs.

Senate File 2172 – Relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable.

Senate File 2185 – Relating to the supervision of physician assistants.

Senate File 2186 – Relating to medical assistance eligibility for inmates of public institutions.

Senate File 2188 – Relating to the renewal period for foster care licensing.

Senate File 2225 – Relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy.

Senate File 2248 – Relating to the licensed professionals authorized to prescribe respiratory care services.

Senate File 2269 – Relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

Senate File 2280 – Relating to boiler inspections.

Senate File 2288 – Relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable.

Senate File 2294 – Relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate.

Senate File 2296 – Relating to the criminal offense of solicitation to commit murder and providing a penalty.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2265, the following correction was made:

1. Page 13, line 18: corrected dash.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2314, the following correction was made:

1. Page 6, line 24: add quotes around “a” and “c”.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of April, 2012.

Senate Files 2221, 2249, 2260, 2265, and 2314.

MICHAEL E. MARSHALL
Secretary of the Senate

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 2, 2012, to investigate the appointment and reappointment of the following appointees:

HUMAN RESOURCES

As a member of the Commission of Latino Affairs:

Maria Lara – Boettger, Chair; Mathis and Jochum

NATURAL RESOURCES AND ENVIRONMENT

As members of the Environmental Protection Commission:

Cindy Greiman – Dearden, Chair; Black and Hahn

Max Smith – Dearden, Chair; Black and Hahn

STATE GOVERNMENT

As a member of the Commission on Community Action Agencies:

Anna Hilpipre – Jochum, Chair; Hatch and Dix

AMENDMENTS FILED

S-5155	H.F.	561	Robert M. Hogg
S-5156	H.F.	561	Robert M. Hogg
S-5157	S.F.	2123	House
S-5158	H.F.	561	Joe Bolkcom

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 23, 2012

The Senate met in regular session at 12:06 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachel Mortimer.

The Journal of Thursday, April 19, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2332, a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions. (S-5228)

ALSO: That the House has on April 19, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2008, a joint resolution nullifying a department of human services rule relating to reimbursement of physicians for services rendered in a facility setting, and including an effective date.

Read first time and referred to committee on **Human Resources**.

The Senate stood at ease at 12:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:18 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he arrives, on request of Senator Behn.

HOUSE AMENDMENT CONSIDERED

Senate File 430

Senator Jochum called up for consideration **Senate File 430**, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including fee and effective date provisions, amended by the House in House amendment S-5215, filed April 17, 2012.

Senator Jochum moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 430), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2339.

Senate File 2339

On motion of Senator Dotzler, **Senate File 2339**, a bill for an act increasing the amount available for allocation to the brownfields and grayfields redevelopment tax credits under the aggregate tax credit limit and including effective date provisions, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2339), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 563.

House File 563

On motion of Senator Hogg, **House File 563**, a bill for an act creating the transparency in private attorney contracts Act, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment S-5051, filed by the committee on Judiciary on March 7, 2012, to pages 1-4 of the bill, and moved its adoption.

Amendment S-5051 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 563), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Soddors
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 430** and **2339** and **House File 563** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2464.

House File 2464

On motion of Senator Mathis, **House File 2464**, a bill for an act relating to department of public health programs and activities, providing for a penalty, and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2464), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Soddors
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2332

Senator Danielson called up for consideration **Senate File 2332**, a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected

from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions, amended by the House in House amendment S-5228, filed April 23, 2012.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2332), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm
Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2332** and **House File 2464** be **immediately messaged** to the House.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Gronstal and Behn for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2012 Regular Session of the Eighty-fourth General Assembly were given to the following:

Hailey Albert, Mackenzie Bills, Taylor Broshar, Thomas Day, Sean Duff, Iry Eicher, Shannon Goes, Jordan Grube, Katie Jaeschke, Nina Liu, Rachel Mortimer, Peggy Osmundson, Adam Pitts, and Britney Samuelson.

The Senate rose and expressed its appreciation.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:55 p.m. until 9:00 a.m., Tuesday, April 24, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Peter Halfhill, Earlville—For achieving the rank of Eagle Scout. Senator Schoenjahn (4/23/12).

The citizens of Merville, IA—For celebrating their community's quasiquicentennial. Senator Anderson (4/23/12).

STUDY BILL RECEIVED**SSB 3204 Ways and Means**

Relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sale and use tax provisions related to property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2340**

WAYS AND MEANS: Hogg, Chair; Bolkcom and Feenstra

House Joint Resolution 2008

HUMAN RESOURCES: Dotzler, Chair; Ragan and Seymour

SSB 3204

WAYS AND MEANS: Hogg, Chair; Bolkcom and Feenstra

AMENDMENT FILED

S-5228 S.F. 2332 House

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 24, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Monday, April 23, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2012, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 466, a bill for an act relating to residential contractors and providing a penalty.

ALSO: That the House has on April 23, 2012, **insisted** on its amendment to **Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, and the conference committee members on the part of the House are: the representative from Henry, Representative Heaton, Chair; the representative from Story, Representative Heddens; the representative from Scott, Representative Linda Miller; the representative from Story, Representative Wessel-Kroeschell; the representative from Harrison, Representative Windschitl.

ALSO: That the House has on April 23, 2012, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2422, a bill for an act relating to sex offender notification, providing penalties, and including effective date provisions. (S-5229)

ALSO: That the House has on April 23, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2471, a bill for an act relating to economic development by providing an adjustment to net income for certified suppliers of anchor manufacturers for purposes of state taxation and including retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 23, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 563, a bill for an act creating the transparency in private attorney contracts Act.

SPECIAL GUEST

Senator Mathis presented Mike Glover, long-time journalist with the Associated Press, with a certificate of recognition, to honor him upon his retirement.

The Senate rose and expressed its tribute.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2336** on the part of the Senate: Senators Hatch, Chair; Bolcom, Ragan, Johnson, and Bacon.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 2336** be **immediately messaged** to the House.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:11 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:23 a.m., President Kibbie presiding.

The Senate stood at ease at 11:24 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 11:41 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:42 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:29 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2460.

House File 2460

On motion of Senator Dotzler, **House File 2460**, a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas,

the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

(House File 2460 was deferred.)

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:06 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2315, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions. (S-5234)

The Senate resumed consideration of House File 2460, previously deferred.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hamerlinck and McKinley, until they arrive, on request of Senator Behn.

Senator Dotzler offered amendment S-5220, filed by the committee on Ways and Means on April 19, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bartz offered amendment S-5231, filed by him from the floor to pages 1, 4, 10, and 13 of amendment S-5220, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5231 be adopted?" (H.F. 2460), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Wilhelm
Bertrand	Greiner	Seymour	Zaun
Boettger	Hahn	Smith	

Nays, 25:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 2:

Hamerlinck	McKinley
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Amendment S-5231 lost.

Senator Dotzler offered amendment S-5230, filed by Senators Dotzler and Wilhelm from the floor to pages 1, 4, 10, and 13 of amendment S-5220 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5230 be adopted?" (H.F. 2460), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng

Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Hamerlinck McKinley

Amendment S-5230 was adopted.

With the adoption of amendment S-5230 to amendment S-5220, the Chair ruled amendment S-5225, filed by Senator Bartz on April 19, 2012, to page 13 of amendment S-5220, out of order.

Senator Dotzler offered amendment S-5232, filed by him from the floor to page 12 of amendment S-5220, and moved its adoption.

Amendment S-5232 to amendment S-5220 was adopted by a voice vote.

Senator Jochum offered amendment S-5233, filed by her from the floor to pages 13, 15, and 16 of amendment S-5220, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5233 be adopted?" (H.F. 2460), the vote was:

Yeas, 30:

Bartz	Dearden	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	Mathis	Wilhelm
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 18:

Anderson	Dix	Johnson	Sorenson
Bacon	Ernst	Kettering	Whitver
Behn	Feenstra	McCoy	Zaun
Bertrand	Hahn	Seymour	
Boettger	Houser	Smith	

Absent, 2:

Hamerlinck	McKinley
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Amendment S-5233 to amendment S-5220 was adopted.

The Senate resumed consideration of amendment S-5220.

Senator Bertrand asked and received unanimous consent that action on amendment S-5220 and **House File 2460** be **deferred**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:27 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:02 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2460 and amendment S-5220, previously deferred.

Senator Dotzler moved the adoption of amendment S-5220, as amended.

A record roll call was requested.

On the question “Shall amendment S-5220, as amended, be adopted?” (H.F. 2460), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng

Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Hamerlinck McKinley

Amendment S-5220, as amended, was adopted.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2460), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 22:

Anderson	Chelgren	Houser	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Zaun
Bertrand	Greiner	Seymour	
Boettger	Hahn	Smith	

Absent, 2:

Hamerlinck McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2460** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:26 p.m. until 9:00 a.m., Wednesday, April 25, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mike Glover—In appreciation upon his retirement of his 36 years of covering the Statehouse and Iowa politics and for being a skilled and dedicated chronicler of the Iowa political scene. Senator Mathis (4/24/12).

Tucker Watters, Des Moines—For achieving the rank of Eagle Scout, Troop #2. Senator Zaun (4/24/12).

REPORT OF COMMITTEE MEETING

HUMAN RESOURCES

Convened: Tuesday, April 24, 2012, 10:15 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver.

Members Absent: Boettger (excused).

Committee Business: Passed HJR 2008.

Adjourned: 10:20 a.m.

SUBCOMMITTEE ASSIGNMENT

House File 2471

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

FINAL COMMITTEE REPORT OF BILL ACTION

HUMAN RESOURCES

Bill Title: HOUSE JOINT RESOLUTION 2008, a joint resolution nullifying a department of human services rule relating to reimbursement of physicians for services rendered in a facility setting, and including an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Bolkom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirmbach, and Whitver. Nays, none. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 24th day of April, 2012.

Senate Files 364, 451, 2322, and 2333.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5229	H.F.	2422	House
S-5230	H.F.	2460	William Dotzler Mary Jo Wilhelm
S-5231	H.F.	2460	Merlin Bartz
S-5232	H.F.	2460	William Dotzler
S-5233	H.F.	2460	Pam Jochum
S-5234	S.F.	2315	House

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 25, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Iry Eicher.

The Journal of Tuesday, April 24, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:09 a.m. until 10:00 a.m.

RECONVENED

The Senate reconvened at 10:04 a.m., President Kibbie presiding.

The Senate stood at ease at 10:05 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:44 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Anderson and Sorenson, until they arrive, on request of Senator Bertrand; Senator Rielly, until he arrives, on request of Senator Gronstal; and Senators Kapucian, McKinley, Hamerlinck, and Chelgren, until they arrive, on request of Senator Behn.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Joint Resolution 2008.

House Joint Resolution 2008

On motion of Senator Dotzler, **House Joint Resolution 2008**, a joint resolution nullifying a department of human services rule relating to reimbursement of physicians for services rendered in a facility setting, and including an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

House Joint Resolution 2008, a joint resolution nullifying a department of human services rule relating to reimbursement of physicians for services rendered in a facility setting, and including an effective date. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The amendment to 441 Iowa administrative code, rule 79.1, subrule (7), paragraph (b), as appearing in ARC 9959B, as published in the Iowa administrative bulletin, volume XXXIV, number 14, dated January 11, 2012, p. 968, is nullified.

Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question “Shall the resolution be adopted?” (H.J.R. 2008), the vote was:

Yeas, 43:

Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Houser	Seymour
Bertrand	Ernst	Jochum	Smith
Black	Feenstra	Johnson	Sodders
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver

Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hahn	McCoy	Zaun
Danielson	Hancock	Quirnbach	

Nays, none.

Absent, 7:

Anderson	Hamerlinck	McKinley	Sorenson
Chelgren	Kapucian	Rielly	

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Joint Resolution 2008** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:50 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:07 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2338, a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions.

ALSO: That the House has on April 25, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2392, a bill for an act to legalize and validate the proceedings preliminary to and in connection with a special election held to authorize the imposition of a local option sales and services tax within the City of Adel, Iowa under Iowa Code Chapter 423B, declaring the validity of said proceedings and the legality of the local option sales and services tax authorized by the special election, and providing an effective date and for retroactive applicability.

Read first time and referred to committee on **Ways and Means**.

House File 2472, a bill for an act extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, and including effective date provisions.

Read first time and attached to **companion Senate File 2340**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:08 p.m. until 9:00 a.m., Thursday, April 26, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Bill and Janice Portz, Spragueville—For celebrating their 50th wedding anniversary. Senator Bowman (4/25/12).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convended: Wednesday, April 25, 2012, 9:15 a.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Bartz, Black, Dotzler, Hogg, Jochum, Mathis, Quirmbach, Smith, and Zaun.

Members Absent: Anderson, Chelgren, and McCoy (all excused).

Committee Business: Passed SF 2340. Approved SSB 3204.

Adjourned: 9:25 a.m.

INTRODUCTION OF BILL

Senate File 2341, by Gronstal and Behn, a bill for an act making changes to the controlled substance schedules, providing for penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2340, a bill for an act extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, Quirnbach, Smith, and Zaun. Nays, none. Absent, 3: Anderson, Chelgren, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 26, 2012

The Senate met in regular session at 9:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Randy Feenstra, member of the Senate from Sioux County, Hull, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Shannon Goes.

The Journal of Wednesday, April 25, 2012, was approved.

The Senate stood at ease at 9:16 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:26 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Kapucian, Johnson, and Sorenson, until they arrive, on request of Senator Behn.

INTRODUCTION OF BILL

Senate File 2342, by committee on Ways and Means, a bill for an act relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sales and use tax provisions related to

property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2342 (SSB 3204), a bill for an act relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sales and use tax provisions related to property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, Quirmbach, Smith, and Zaun. Nays, none. Absent, 3: Anderson, Chelgren, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2342, and they were attached to the committee report.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2342 and 2340.

Senate File 2342

On motion of Senator Hogg, **Senate File 2342**, a bill for an act relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sales and use tax provisions related to property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Senator Bolkcom offered amendment S-5235, filed by him from the floor to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5235 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2342), the vote was:

Yeas, 45:

Anderson	Dearden	Hatch	Schoenjahn
Bacon	Dix	Hogg	Seng
Bartz	Dotzler	Horn	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Ward
Boettger	Fraise	Mathis	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Danielson	Hancock	Rielly	

Nays, 1:

Beall

Absent, 4:

Houser	Johnson	Kapucian	Sorenson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2340

On motion of Senator Hogg, **Senate File 2340**, a bill for an act extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hogg asked and received unanimous consent that **House File 2472** be **substituted** for **Senate File 2340**.

House File 2472

On motion of Senator Hogg, **House File 2472**, a bill for an act extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, and including effective date provisions, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2472), the vote was:

Yeas, 46:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hatch	Schoenjahn
Bartz	Dix	Hogg	Seng
Beall	Dotzler	Horn	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Ward
Boettger	Fraise	Mathis	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	

Nays, none.

Absent, 4:

Houser	Johnson	Kapucian	Sorenson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Hogg asked and received unanimous consent that **Senate File 2340** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2342** and **House File 2472** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:39 a.m. until 10:00 a.m., Monday, April 30, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Benchwarmers, Ankeny—For winning 1st Place, Best Bar & Grill, Best of Ankeny 2012. Senator Whitver (4/26/12).

Cazador, Ankeny—For winning 1st Place, Best Mexican Restaurant, Best of Ankeny 2012. Senator Whitver (4/26/12).

Brian Hoff, State Farm, Ankeny—For winning 1st Place, Best Insurance Company and Best Insurance Agent, Best of Ankeny 2012. Senator Whitver (4/26/12).

Bill Kimberley of Kimberley Development, Ankeny—For winning 1st Place, Best Builder, Best of Ankeny 2012. Senator Whitver (4/26/12).

Leaning Tower, Ankeny—For winning 1st Place, Best Pizza and Best Family Restaurant, Best of Ankeny 2012. Senator Whitver (4/26/12).

Lemon Tree, Ankeny—For winning 1st Place, Best Ice Cream/Yogurt, Best of Ankeny 2012. Senator Whitver (4/26/12).

David and Cheryl Pence, Ankeny—For achieving the 2012 Heroes from the Heartland Award. Senator Whitver (4/26/12).

Smith Body & Paint, Ankeny—For winning 1st Place, Best Body Shop, Best of Ankeny 2012. Senator Whitver (4/26/12).

Wes Snook, HyVee, Ankeny—For winning 1st Place, Best Grocery Store, Best of Ankeny 2012. Senator Whitver (4/26/12).

Valley Bank, Ankeny—For winning 1st Place, Best Bank, Best Mortgage Company, and Best Financial Planner, Best of Ankeny 2012. Senator Whitver (4/26/12).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Thursday, April 26, 2012, 11:50 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Bartz, Houser, Johnson, and Kapucian (all excused).

Committee Business: Passed HF 2465 as amended.

Adjourned: 11:55 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2465, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5236.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 4: Dix, Boettger, Kettering, and Seymour. Absent, 4: Bartz, Houser, Johnson, and Kapucian.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5235	S.F.	2342	Joe Bolkcom
S-5236	H.F.	2465	Appropriations
S-5237	S.F.	2293	Matt McCoy Jack Hatch

JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 30, 2012

The Senate met in regular session at 10:09 a.m., Senator Beall presiding.

The Journal of Thursday, April 26, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:10 a.m. until 9:00 a.m., Tuesday, May 1, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lois Awe, Mason City—For celebrating her 60th birthday. Senator Ragan (4/30/12).

Nicholas John McGrath, Dubuque—For achieving the rank of Eagle Scout, Troop 22. Senator Hancock (4/30/12).

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 30th day of April, 2012.

Senate Files 2328 and 2332.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 27, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 364 – Relating to the licensure and regulation of persons offering occupational therapy services, and orthotists, prosthetists, and pedorthists, providing exceptions for persons practicing within the scope of their professions, and providing for fees and penalties.

Senate File 451 – Relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention and including applicability provisions.

Senate File 2322 – Providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

Senate File 2333 – Providing a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health.

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 3, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Pastor Matt Larson of the Burr Oak and Hesper Lutheran Churches in Decorah, Iowa. He was the guest of Senator Wilhelm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Monday, April 2, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:08 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bertrand, until he arrives, on request of Senator Zaun; and Senator Horn, until he arrives, on request of Senator Fraise.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2330 and 2329.

Senate File 2330

On motion of Senator Dotzler, **Senate File 2330**, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2330), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2329

On motion of Senator Dotzler, **Senate File 2329**, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site, was taken up for consideration.

Senator Chelgren asked and received unanimous consent that action on **Senate File 2329** be **deferred**.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2327.

Senate File 2327

On motion of Senator Danielson, **Senate File 2327**, a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for a tax credit and including effective date and applicability provisions, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2327), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2325.

Senate File 2325

On motion of Senator Mathis, **Senate File 2325**, a bill for an act relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2325), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2325, 2327, and 2330** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 413

Senator Jochum called up for consideration **Senate File 413**, a bill for an act relating to financial responsibilities of local emergency management commissions, amended by the House in House amendment S-5142, filed March 28, 2012.

Senator Jochum moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 413), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour

Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2321

Senator Schoenjahn called up for consideration **Senate File 2321**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, amended by the House in House amendment S-5145, filed March 28, 2012.

Senator Schoenjahn moved that the Senate concur and vote “No” in the House amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT CONSIDERED

Senate File 2289

Senator Hatch called up for consideration **Senate File 2289**, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services, amended by the House in House amendment S-5150, filed March 28, 2012.

Senator Hatch moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hatch moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2289), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 413, 2289, and 2321** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2317

Senator Black called up for consideration **Senate File 2317**, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, amended by the House in House amendment S-5152, filed March 29, 2012.

Senator Sorenson asked and received unanimous consent that action on amendment S-5152 and **Senate File 2317** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 2216

Senator McCoy called up for consideration **Senate File 2216**, a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions, amended by the House in House amendment S-5144, filed March 28, 2012.

Senator McCoy moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2216), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour

Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2245

Senator Sodders called up for consideration **Senate File 2245**, a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home, amended by the House in House amendment S-5149, filed March 28, 2012.

Senator Sodders moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Sodders moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2245), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng

Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2216** and **2245** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointee on the En Bloc Confirmation Calendar:

Joellen Jenson, Board of Chiropractic

Senator Gronstal moved that the foregoing appointee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward

Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2208

Senator Fraise called up for consideration **Senate File 2208**, a bill for an act relating to the confidentiality of an arrest warrant, amended by the House in House amendment S-5143, filed March 28, 2012.

Senator Fraise moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Fraise moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2208), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward

Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2292

Senator Fraise called up for consideration **House File 2292**, a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable, amended by the Senate and further amended by the House in House amendment S-5154 to Senate amendment H-8370, filed March 29, 2012.

Senator Fraise moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Fraise moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2292), the vote was:

Yeas, 45:

Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders

Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Wilhelm
Chelgren	Hahn	McCoy	Zaun
Courtney	Hamerlinck	McKinley	
Danielson	Hancock	Quirmbach	
Dearden	Hatch	Ragan	

Nays, 3:

Anderson	Sorenson	Whitver
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Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2208** and **House File 2292** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2329

The Senate resumed consideration of **Senate File 2329**, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site, previously deferred.

Senator Chelgren offered amendment S-5162, filed by him from the floor to page 3 of the bill.

(Amendment S-5162 and Senate File 2329 were deferred.)

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:27 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-5162 and Senate File 2329, previously deferred.

Senator Chelgren moved the adoption of amendment S-5162.

A record roll call was requested.

On the question "Shall amendment S-5162 be adopted? (S.F. 2329), the vote was:

Yeas, 13:

Behn	Greiner	Seymour	Zaun
Boettger	Hahn	Smith	
Chelgren	Kettering	Ward	
Ernst	McKinley	Whitver	

Nays, 35:

Anderson	Dearden	Hatch	Quirmbach
Bacon	Dix	Hogg	Ragan
Bartz	Dotzler	Houser	Rielly
Beall	Dvorsky	Jochum	Schoenjahn
Black	Feenstra	Johnson	Seng
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Gronstal	Kibbie	Sorenson
Courtney	Hamerlinck	Mathis	Wilhelm
Danielson	Hancock	McCoy	

Absent, 2:

Bertrand	Horn
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Amendment S-5162 lost.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2329), the vote was:

Yeas, 34:

Anderson	Danielson	Hatch	Quirmbach
Bacon	Dotzler	Hogg	Ragan
Bartz	Dvorsky	Houser	Rielly
Beall	Feenstra	Jochum	Schoenjahn
Black	Fraise	Johnson	Seng

Boettger	Greiner	Kapucian	Sodders
Bolkcom	Gronstal	Kibbie	Wilhelm
Bowman	Hahn	Mathis	
Courtney	Hancock	McCoy	

Nays, 14:

Behn	Ernst	Seymour	Whitver
Chelgren	Hamerlinck	Smith	Zaun
Dearden	Kettering	Sorenson	
Dix	McKinley	Ward	

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2329** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2217, a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

ALSO: That the House has on April 3, 2012, **receded** from the House amendment **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2312, a bill for an act relating to persons with mental health illnesses and substance-related disorders.

ALSO: That the House has on April 3, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2427, a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices.

ALSO: That the House has on April 3, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2311, A bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions. (S-5164)

Senate File 2318, A bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions. (S-5165)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:00 p.m. until 9:00 a.m., Wednesday, April 4, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ingwer and Dorothy Carstensen, Preston—For celebrating their 60th wedding anniversary. Senator Bowman (4/3/12).

Bill and Mary Muck, Blairsburg—For celebrating their 50th wedding anniversary. Senator Bacon (4/3/12).

SUBCOMMITTEE ASSIGNMENT

Senate File 2138

APPROPRIATIONS: Danielson, Chair; Dix and Dvorsky

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 3rd day of April, 2012.

Senate Files 2038, 2137, 2165, 2220, 2231, and 2324.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5159	H.F.	2399	Tom Hancock
S-5160	H.F.	2399	Tom Hancock
S-5161	S.F.	2237	Tim Kapucian Steven Soddors
S-5162	S.F.	2329	Mark Chelgren
S-5163	S.F.	2317	Kent Sorenson
S-5164	S.F.	2311	House
S-5165	S.F.	2318	House
S-5166	S.F.	2284	Herman C. Quirmbach
S-5167	H.F.	2337	William Dotzler

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 4, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jordan Grube.

The Journal of Tuesday, April 3, 2012, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2450, a bill for an act prohibiting the use of automated traffic law enforcement systems, and including effective date provisions.

Read first time and referred to committee on **Transportation**.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:04 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2112, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status. (S-5171)

Senate File 451, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention. (S-5170)

ALSO: That the House has on April 4, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2459, a bill for an act relating to the assessment of moneys on sheep and wool production, and including effective date provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 4, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2329, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2337.

House File 2337

On motion of Senator Dotzler, **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5084, filed by the committee on Appropriations on March 13, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Dotzler offered amendment S-5167, filed by him on April 3, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Anderson asked and received unanimous consent that action on amendment S-5167 and **House File 2337** be **deferred**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Wilhelm, **Senate Resolution 117**, a resolution urging Congress and the President of the United States to protect Iowa's Air National Guard units from additional budget cuts, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bertrand, Houser, and Kapucian, until they return, on request of Senator Behn; and Senator Horn, until he returns, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 2318

Senator Hatch called up for consideration **Senate File 2318**, a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions, amended by the House in House amendment S-5165, filed April 3, 2012.

Senator Hatch moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hatch moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2318), the vote was:

Yeas, 44:

Bacon	Dearden	Hancock	Ragan
Bartz	Dix	Hatch	Rielly
Beall	Dotzler	Hogg	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Black	Ernst	Johnson	Seymour
Boettger	Feenstra	Kettering	Smith
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Greiner	Mathis	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Danielson	Hamerlinck	Quirmbach	Zaun

Nays, 2:

Anderson Sorenson

Absent, 4:

Bertrand Horn Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 3, 2012)

Senate File 2317

The Senate resumed consideration of **Senate File 2317**, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, and amendment S-5152, deferred April 3, 2012.

Senator Sorenson withdrew amendment S-5163, filed by him on April 3, 2012, to page 1 of amendment S-5152.

The Senate resumed consideration of amendment S-5152, previously deferred.

Senator Black moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Black moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2317), the vote was:

Yeas, 45:

Anderson	Dearden	Hogg	Seng
Bacon	Dix	Jochum	Seymour
Bartz	Dotzler	Johnson	Smith

Beall	Dvorsky	Kettering	Sodders
Behn	Ernst	Kibbie	Sorenson
Black	Feenstra	Mathis	Ward
Boettger	Fraise	McCoy	Whitver
Bolkcom	Greiner	McKinley	Wilhelm
Bowman	Gronstal	Quirnbach	Zaun
Chelgren	Hahn	Ragan	
Courtney	Hamerlinck	Rielly	
Danielson	Hatch	Schoenjahn	

Nays, 1:

Hancock

Absent, 4:

Bertrand	Horn	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2316

Senator McCoy called up for consideration **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, amended by the House in House amendment S-5148, filed March 28, 2012.

Senator McCoy moved that the Senate concur and vote "No" in the House amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT CONSIDERED

Senate File 2311

Senator Rielly called up for consideration **Senate File 2311**, a bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and

market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johnne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions, amended by the House in House amendment S-5164, filed April 3, 2012.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2311), the vote was:

Yeas, 46:

Anderson	Dearden	Hatch	Schoenjahn
Bacon	Dix	Hogg	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Sorenson
Boettger	Fraise	Mathis	Ward
Bolkcom	Greiner	McCoy	Whitver
Bowman	Gronstal	McKinley	Wilhelm
Chelgren	Hahn	Quirnbach	Zaun
Courtney	Hamerlinck	Ragan	
Danielson	Hancock	Rielly	

Nays, none.

Absent, 4:

Bertrand	Horn	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2311, 2316, 2317, and 2318** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2284.

Senate File 2284

On motion of Senator Quirmbach, **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator McKinley offered amendment S-5174, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

(Amendment S-5174 and Senate File 2284 were deferred.)

The Senate stood at ease at 2:27 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:00 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:01 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 4:13 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-5174 and Senate File 2284, previously deferred.

Senator McKinley moved the adoption of amendment S-5174.

A record roll call was requested.

On the question "Shall amendment S-5174 be adopted?" (S.F. 2284), the vote was:

Yeas, 21:

Anderson	Dix	Johnson	Ward
Bacon	Ernst	Kettering	Whitver
Bartz	Feenstra	McKinley	Zaun
Behn	Greiner	Seymour	
Boettger	Hahn	Smith	
Chelgren	Hamerlinck	Sorenson	

Nays, 25:

Beall	Dotzler	Jochum	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Mathis	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Bertrand	Horn	Houser	Kapucian
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Amendment S-5174 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she returns, on request of Senator Zaun.

Senator McKinley offered amendment S-5175, filed by Senators McKinley, Chelgren, and Kettering from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5175 be adopted?" (S.F. 2284), the vote was:

Yeas, 14:

Bacon	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Chelgren	Hahn	Seymour	
Ernst	Johnson	Smith	

Nays, 31:

Anderson	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Jochum	Seng
Black	Dvorsky	Kibbie	Sodders
Bolkcom	Fraise	Mathis	Sorenson
Bowman	Gronstal	McCoy	Ward
Courtney	Hamerlinck	Quirnbach	Wilhelm
Danielson	Hancock	Ragan	

Absent, 5:

Bertrand	Horn	Kapucian
Boettger	Houser	

Amendment S-5175 lost.

Senator Zaun withdrew amendment S-5178, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Quirnbach offered amendment S-5166, filed by him on April 3, 2012, to pages 1, 2, 4-20, 22-30 and amending the title page of the bill.

Senator Quirnbach offered amendment S-5169, filed by him from the floor to pages 2 and 6 of amendment S-5166.

Senator Quirmbach asked and received unanimous consent that action on amendment S-5169 to amendment S-5166 be deferred.

Senator Kettering offered amendment S-5177, filed by Senators Kettering and Anderson from the floor to pages 4-6 and 13 of amendment S-5166, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5177 to amendment S-5166 be adopted?" (S.F. 2284), the vote was:

Yeas, 21:

Anderson	Ernst	Kapucian	Ward
Bacon	Feenstra	Kettering	Whitver
Bartz	Greiner	McKinley	Zaun
Behn	Hahn	Seymour	
Chelgren	Hamerlinck	Smith	
Dix	Johnson	Sorenson	

Nays, 25:

Beall	Dotzler	Jochum	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Mathis	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Bertrand	Boettger	Horn	Houser
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Amendment S-5177 to amendment S-5166 lost.

Senator Quirmbach moved the adoption of amendment S-5169 to amendment S-5166.

Amendment S-5169 to amendment S-5166 was adopted by a voice vote.

Senator Quirmbach asked and received unanimous consent that action on amendment S-5166 be deferred.

Senator Ward offered amendment S–5172, filed by her from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5172 be adopted?” (S.F. 2284), the vote was:

Yeas, 22:

Anderson	Ernst	Kapucian	Sorenson
Bacon	Feenstra	Kettering	Ward
Bartz	Greiner	McKinley	Whitver
Behn	Hahn	Rielly	Zaun
Chelgren	Hamerlinck	Seymour	
Dix	Johnson	Smith	

Nays, 24:

Beall	Dearden	Hatch	Quirmbach
Black	Dotzler	Hogg	Ragan
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm

Absent, 4:

Bertrand	Boettger	Horn	Houser
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Amendment S–5172 lost.

Senator Hamerlinck offered amendment S–5180, filed by him from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5180 be adopted?” (S.F. 2284), the vote was:

Yeas, 21:

Anderson	Ernst	Kapucian	Ward
Bacon	Feenstra	Kettering	Whitver
Bartz	Greiner	McKinley	Zaun
Behn	Hahn	Seymour	
Chelgren	Hamerlinck	Smith	
Dix	Johnson	Sorenson	

Nays, 25:

Beall	Dotzler	Jochum	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Mathis	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Bertrand	Boettger	Horn	Houser
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Amendment S-5180 lost.

Senator Bowman withdrew amendment S-5168, filed by him from the floor to pages 7 and 8 of the bill.

Senator Kettering withdrew amendment S-5173, filed by him from the floor to pages 19 and 22 of the bill.

Senator Chelgren offered amendment S-5176, filed by him from the floor to page 31 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5176 be adopted?" (S.F. 2284), the vote was:

Yeas, 21:

Anderson	Ernst	Kapucian	Ward
Bacon	Feenstra	Kettering	Whitver
Bartz	Greiner	McKinley	Zaun
Behn	Hahn	Seymour	
Chelgren	Hamerlinck	Smith	
Dix	Johnson	Sorenson	

Nays, 25:

Beall	Dotzler	Jochum	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Mathis	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Bertrand	Boettger	Horn	Houser
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Amendment S-5176 lost.

Senator Johnson asked and received unanimous consent to withdraw amendment S-5181, filed by Senators Johnson and Dearden from the floor to page 31 and amending the title page of the bill.

Senator Quirnbach moved the adoption of amendment S-5166, as amended.

Amendment S-5166, as amended, was adopted by a voice vote.

Senator Quirnbach asked and received unanimous consent that action on **Senate File 2284** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he returns, on request of Senator Zaun.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2328.

Senate File 2328

On motion of Senator Jochum, **Senate File 2328**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2328), the vote was:

Yeas, 44:

Anderson	Dix	Hatch	Ragan
Bacon	Dotzler	Hogg	Rielly
Bartz	Dvorsky	Jochum	Schoenjahn
Beall	Ernst	Johnson	Seng
Behn	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Courtney	Hahn	McCoy	Whitver
Danielson	Hamerlinck	McKinley	Wilhelm
Dearden	Hancock	Quirnbach	Zaun

Nays, 1:

Chelgren

Absent, 5:

Bertrand	Horn	Seymour
Boettger	Houser	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2399.

House File 2399

On motion of Senator Hancock, **House File 2399**, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Hancock offered amendment S-5159, filed by him on April 3, 2012, to pages 2 and 3 of the bill.

Senator Hancock offered amendment S-5179, filed by him from the floor to page 1 of amendment S-5159, and moved its adoption.

Amendment S-5179 to amendment S-5159 was adopted by a voice vote.

Senator Hancock moved the adoption of amendment S-5159, as amended.

Amendment S-5159, as amended, was adopted by a voice vote.

Senator Hancock offered amendment S-5160, filed by him on April 3, 2012, to page 2 of the bill, and moved its adoption.

Amendment S-5160 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2399), the vote was:

Yeas, 45:

Anderson	Dix	Hogg	Schoenjahn
Bacon	Dotzler	Jochum	Seng
Bartz	Dvorsky	Johnson	Smith
Beall	Ernst	Kapucian	Sodders
Behn	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Bolkcom	Greiner	Mathis	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Nays, none.

Absent, 5:

Bertrand	Horn	Seymour
Boettger	Houser	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2328** and **House File 2399** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:54 p.m. until 9:00 a.m., Thursday, April 5, 2012.

APPENDIX

STUDY BILL RECEIVED

SSB 3199 **Ways and Means**

Relating to property taxation by modifying provisions relating to equalization orders and requiring certain equalization order notices.

SUBCOMMITTEE ASSIGNMENTS

House File 2459

WAYS AND MEANS: Seng, Chair; Bartz and Black

SSB 3199

WAYS AND MEANS: Mathis, Chair; Bolkcom and Feenstra

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 4, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2221 – Requiring background checks for school bus drivers and making penalties applicable.

Senate File 2249 – Relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements, and including effective date provisions.

Senate File 2260 – Revising the Iowa nonprofit corporation Act.

Senate File 2265 – Providing for notarial acts, providing for fees, and including effective date provisions.

Senate File 2314 – Relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Senate File 2324 – Making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

AMENDMENTS FILED

S-5168	S.F.	2284	Tod Bowman
S-5169	S.F.	2284	Herman C. Quirmbach
S-5170	S.F.	451	House
S-5171	S.F.	2112	House
S-5172	S.F.	2284	Pat Ward
S-5173	S.F.	2284	Steve Kettering
S-5174	S.F.	2284	Paul McKinley
S-5175	S.F.	2284	Paul McKinley
			Mark Chelgren
			Steve Kettering
S-5176	S.F.	2284	Mark Chelgren
S-5177	S.F.	2284	Steve Kettering
			Bill Anderson
S-5178	S.F.	2284	Brad Zaun
S-5179	H.F.	2399	Tom Hancock
S-5180	S.F.	2284	Shawn Hamerlinck
S-5181	S.F.	2284	David Johnson
			Dick L. Dearden

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 5, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ryan Perez of Cornerstone Baptist Church in Orange City, Iowa. He was the guest of Senator Feenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Todd Eipperle, a veteran from Marshall County.

The Journal of Wednesday, April 4, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2158, a bill for an act relating to reimbursement of speech pathology services under the medical assistance program.

ALSO: That the House has on April 4, 2012, **concurred** in the Senate Amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 524, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund.

House File 2323, a bill for an act relating to city utilities and city enterprises by making changes to requirements related to residential rental property.

ALSO: That the House has on April 4, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2293, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions. (S-5183)

ALSO: That the House has on April 4, 2012, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 609, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions. (S-5182)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:23 a.m. until 1:00 p.m., Monday, April 9, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Tom Drew, Des Moines—In grateful recognition for his service and leadership on the Iowa Board of Medicine. Senator Beall (4/5/12).

Analisa Haberman, D.O., Mason City—In grateful recognition for her service and leadership on the Iowa Board of Medicine. Senator Beall (4/5/12).

Art Heimann, Grinnell—For celebrating his 90th birthday. Senator Kapucian (4/5/12).

Ambreen Mian, Ames—In grateful recognition for her service and leadership on the Iowa Board of Medicine. Senator Beall (4/5/12).

Etta Schmitt, Dike—For celebrating her 90th birthday. Senator Kapucian (4/5/12).

Siroos Shirazi, M.D., Iowa City—In grateful recognition for his service and leadership as Chair of the Iowa Board of Medicine. Senator Beall (4/5/12).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Thursday, April 5, 2012, 10:30 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Houser (excused).

Committee Business: Passed SF 2138. Approved SSB 3197.

Recessed: 10:35 a.m.

Reconvened: 11:05 a.m.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 2331, by committee on Ways and Means, a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2332, by committee on Ways and Means, a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2333, by committee on Ways and Means, a bill for an act providing a sales tax exemption for the sale of tangible personal

property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2331 (formerly SF 2223), a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, and Smith. Nays, 1: Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2331, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2332 (formerly SF 2272), a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2332, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2333 (SSB 3185), a bill for an act providing a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2333, and they were attached to the committee report.

AMENDMENTS FILED

S-5182	H.F.	609	House
S-5183	S.F.	2293	House

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 9, 2012

The Senate met in regular session at 1:12 p.m., President Kibbie presiding.

Prayer was offered by Alexandra Beem, who sang “Amazing Grace”. She was the guest of Senator Ward.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Katie Jaeschke.

The Journal of Thursday, April 5, 2012, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2399, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber the Honorable Staci Appel, former member of the Senate from Warren County, Ackworth, Iowa; the Honorable Rich Olive, former member of the Senate from Story County, Story City, Iowa; and the Honorable William Heckroth, former member of the Senate from Bremer County, Waverly, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:22 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:47 p.m., President Kibbie presiding.

UNFINISHED BUSINESS
(Deferred April 4, 2012)

House File 2337

The Senate resumed consideration of **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, and amendment S-5167, deferred April 4, 2012.

Senator Dotzler moved the adoption of amendment S-5167.

Amendment S-5167 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2337), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS
(Deferred April 4, 2012)

Senate File 2284

The Senate resumed consideration of **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, deferred April 4, 2012.

Senator Boettger offered amendment S-5186, filed by her from the floor to page 31 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5186 be adopted?" (S.F. 2284), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5186 lost.

Senator Boettger asked and received unanimous consent that action on **Senate File 2284** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 2112

Ernst called up for consideration **Senate File 2112**, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status, amended by the House in House amendment S-5171, filed April 4, 2012.

Ernst moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Ernst moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2112), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Quirmbach
Bacon	Dearden	Hogg	Ragan
Bartz	Dix	Horn	Rielly
Beall	Dotzler	Houser	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Bertrand	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun

Nays, 2:

Hancock	Sodders
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2112** and **House File 2337** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 451

Senator Hogg called up for consideration **Senate File 451**, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention, amended by the House in House amendment S-5170, filed April 4, 2012.

Senator McKinley asked and received unanimous consent that action on amendment S-5170 and **Senate File 451** be **deferred**.

The Senate stood at ease at 3:31 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:40 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Behn.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2333.

Senate File 2333

On motion of Senator Quirmbach, **Senate File 2333**, a bill for an act providing a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2333), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2333** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2284

The Senate resumed consideration of **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, previously deferred.

Senator Boettger offered amendment S-5190, filed by her from the floor to page 31 of the bill, and moved its adoption.

Senator Quirmbach raised the point of order that amendment S-5190 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5190 out of order.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2284), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2284** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:07 p.m. until 9:00 a.m., Tuesday, April 10, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN

2011 Annual Report, pursuant to Iowa Code section 2C.18. Report received on April 2, 2012.

DEPARTMENT OF NATURAL RESOURCES

2011 Annual Report of the State Geologist, pursuant to Iowa Code section 456.7. Report received on April 2, 2012.

DEPARTMENT OF PUBLIC HEALTH

Report of the Office of Problem Gambling Treatment and Prevention. Report received on April 3, 2012.

DEPARTMENT OF REVENUE

2011 Retailers Motor Fuel Gallons Annual Report, pursuant to Iowa Code section 452A.33. Report received on April 3, 2012.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Marvel DeJong, Grinnell—For celebrating her 100th birthday. Senator Kapucian (4/9/12).

Leona Funk, Mason City—For celebrating her 90th birthday. Senator Ragan (4/9/12).

Leta Wall, Cedar Rapids—For celebrating her 90th birthday. Senators Horn, Hogg, and Mathis (4/9/12).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, April 4, 2012, 3:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed SFs 2223 and 2272 as amended. Approved SSB 3185 as amended.

Recessed: 3:05 p.m.

Reconvened: 3:30 p.m.

Adjourned: 4:00 p.m.

INTRODUCTION OF BILLS

Senate File 2334, by committee on Appropriations, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 2335, by committee on Appropriations, a bill for an act concerning public safety, by establishing a public safety training and equipment trust fund, establishing a public safety training and facilities task force, and making appropriations.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILLS RECEIVED

SSB 3200 Appropriations

Relating to state financial matters, including limitations on appropriations and properly related matters.

SSB 3201 Appropriations

Relating to appropriations for health and human services and including other related provisions and appropriations, making

penalties applicable, and including effective, retroactive, and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

SSB 3200

APPROPRIATIONS: Dvorsky, Chair; Dix

SSB 3201

APPROPRIATIONS: Dvorsky, Chair; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, McCoy, Ragan, Schoenjahn, Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2334 (formerly SF 2138), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2334, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2335 (SSB 3197), a bill for an act concerning public safety, by establishing a public safety training and equipment trust fund, establishing a public safety training and facilities task force, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2335, and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 9th day of April, 2012.

Senate Files 413, 2097, 2126, 2164, 2208, 2245, 2267, 2289, and 2312.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 5, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2038 – Relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

Senate File 2137 – Relating to certain property taxes for joint county-city buildings and including applicability provisions.

Senate File 2165 – Relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

Senate File 2220 – Relating to the licensing of schools of cosmetology arts and sciences and barber schools.

Senate File 2231 – Relating to the practices and procedures of the state public defender.

AMENDMENTS FILED

S-5184	S.F.	2326	Robert M. Hogg
S-5185	S.F.	2332	Eugene S. Fraise
S-5186	S.F.	2284	Nancy J. Boettger
S-5187	S.F.	2326	Merlin Bartz
S-5188	S.F.	2326	Merlin Bartz
S-5189	S.F.	2326	Merlin Bartz
S-5190	S.F.	2284	Nancy J. Boettger

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 1, 2012

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Adam Pitts.

The Journal of Monday, April 30, 2012, was approved.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:21 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and McKinley, until they arrive, on request of Senator Zaun.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2465.

House File 2465

On motion of Senator Dvorsky, **House File 2465**, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky offered amendment S-5236, filed by the committee on Appropriations on April 26, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Dix offered amendment S-5238, filed by him from the floor to page 2 of amendment S-5236, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5238 to amendment S-5236 be adopted?" (H.F. 2465), the vote was:

Yeas, 22:

Anderson	Chelgren	Hamerlinck	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Zaun
Bertrand	Greiner	Seymour	
Boettger	Hahn	Smith	

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders

Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 2:

Houser	McKinley
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Amendment S-5238 to amendment S-5236 lost.

Senator Dvorsky offered amendment S-5240, filed by him from the floor to pages 2-4, 9, 10, 12, 23, 26, and 30 of amendment S-5236, and moved its adoption.

Amendment S-5240 to amendment S-5236 was adopted by a voice vote.

Senator Ernst offered amendment S-5247, filed by Senator Ernst, et al., from the floor to pages 3 and 12 of amendment S-5236, and moved its adoption.

Amendment S-5247 to amendment S-5236 was adopted by a voice vote.

Senator Bertrand offered amendment S-5243, filed by him from the floor to page 6 of amendment S-5236, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5243 to amendment S-5236 be adopted?" (H.F. 2465), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 46:

Anderson	Danielson	Hatch	Rielly
Bacon	Dix	Hogg	Schoenjahn
Bartz	Dotzler	Horn	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	Mathis	Wilhelm

Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	

Nays, 2:

Dearden Sodders

Absent, 2:

Houser McKinley

Amendment S-5243 to amendment S-5236 was adopted.

Senator Danielson offered amendment S-5251, filed by him from the floor to page 7 of amendment S-5236, and moved its adoption.

Amendment S-5251 to amendment S-5236 was adopted by a voice vote.

Senator Bertrand offered amendment S-5245, filed by Senators Bertrand and Anderson from the floor to page 9 of amendment S-5236.

Senator Hogg raised the point of order that amendment S-5245 to amendment S-5236 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5245 in order.

Senator Bertrand moved the adoption of amendment S-5245 to amendment S-5236.

Amendment S-5245 to amendment S-5236 lost by a voice vote.

Senator Bacon asked and received unanimous consent to withdraw amendment S-5246, filed by Senator Bacon, et al., from the floor to pages 9 and 12 of amendment S-5236.

Senator Zaun offered amendment S-5242, filed by Senators Zaun and Seymour from the floor to page 10 of amendment S-5236, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5242 to amendment S-5236 be adopted?" (H.F. 2465), the vote was:

Yeas, 19:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	

Nays, 29:

Beall	Dotzler	Jochum	Seng
Black	Dvorsky	Kibbie	Smith
Bolkcom	Fraise	Mathis	Sodders
Bowman	Gronstal	McCoy	Ward
Courtney	Hancock	Quirnbach	Wilhelm
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	
Dix	Horn	Schoenjahn	

Absent, 2:

Houser	McKinley
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Amendment S-5242 to amendment S-5236 lost.

Senator Kapucian offered amendment S-5244, filed by Senator Kapucian, et al., from the floor to page 10 of amendment S-5236, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5244 to amendment S-5236 be adopted?" (H.F. 2465), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Sodders
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	Seymour	Zaun
Boettger	Hahn	Smith	

Nays, 25:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hancock	McCoy	
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 2:

Houser McKinley

Amendment S-5244 to amendment S-5236 lost.

Senator Johnson offered amendment S-5250, filed by him from the floor to page 10 of amendment S-5236, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5250 to amendment S-5236 be adopted?" (H.F. 2465), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	Quirmbach	Zaun
Boettger	Hahn	Seymour	

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hancock	McCoy	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

Houser McKinley

Amendment S-5250 to amendment S-5236 lost.

Senator Whitver offered amendment S-5239, filed by Senators Whitver and Dotzler from the floor to page 11 of amendment S-5236, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5239 to amendment S-5236 be adopted?" (H.F. 2465), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

Houser	McKinley
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Amendment S-5239 to amendment S-5236 was adopted.

Senator Chelgren offered amendment S-5253, filed by him from the floor to page 39 of amendment S-5236, and moved its adoption.

Amendment S-5253 to amendment S-5236 lost by a voice vote.

Senator Seng offered amendment S-5254, filed by Senators Seng and Dvorsky from the floor to page 52 of amendment S-5236, and moved its adoption.

Amendment S-5254 to amendment S-5236 was adopted by a voice vote.

Senator Zaun offered amendment S-5241, filed by Senator Zaun, et al., from the floor to page 54 of amendment S-5236.

Senator Hogg raised the point of order that amendment S-5241 to amendment S-5236 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5241 out of order.

Senator Boettger offered amendment S-5248, filed by Senator Boettger, et al., from the floor to page 54 of amendment S-5236.

Senator Hogg raised the point of order that amendment S-5248 to amendment S-5236 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5248 out of order.

Senator Johnson offered amendment S-5249, filed by Senator Johnson, et al., from the floor to page 54 of amendment S-5236.

Senator Hogg raised the point of order that amendment S-5249 to amendment S-5236 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5249 out of order.

Senator Sorenson offered amendment S-5252, filed by Senator Sorenson, et al., from the floor to page 54 of amendment S-5236.

Senator Hogg raised the point of order that amendment S-5252 to amendment S-5236 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5252 out of order.

Senator Dvorsky moved the adoption of amendment S-5236, as amended.

Amendment S-5236, as amended, was adopted by a voice vote.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2465), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 22:

Anderson	Chelgren	Hamerlinck	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Zaun
Bertrand	Greiner	Seymour	
Boettger	Hahn	Smith	

Absent, 2:

Houser	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2465** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2293

Senator McCoy called up for consideration **Senate File 2293**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions, amended by the House in House amendment S-5183, filed April 5, 2012.

Senator McCoy offered amendment S-5237, filed by Senators McCoy and Hatch on April 26, 2012, to page 1 of House amendment S-5183, and moved its adoption.

Amendment S-5237 to amendment S-5183 was adopted by a voice vote.

Senator McCoy moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator McCoy moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2293), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2293** be **immediately messaged** to the House.

The Senate stood at ease at 2:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:54 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:55 p.m. until 9:00 a.m., Thursday, May 3, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lola Bossler, Van Horne—For celebrating her 90th birthday. Senator Kapucian (5/1/12).

Representative Dave Jacoby, Coralville—International Association of Workforce Professionals Public Policy Award for 2012. Senator Dvorsky (5/1/12).

Tanner Knowlton, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (5/1/12).

Aaron E. Van Beek, Maurice—For achieving the rank of Eagle Scout, Troop 211. Senator Feenstra (5/1/12).

Patrick William Van Muyden, Sioux Center—For achieving the rank of Eagle Scout, Troop 211. Senator Feenstra (5/1/12).

INTRODUCTION OF BILL

Senate File 2343, by Gronstal and Behn, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker

of the House, and presented to the Governor for his approval on this 1st day of May, 2012.

Senate File 430.

MICHAEL E. MARSHALL
Secretary of the Senate

ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to House File 2465 on the first day of May in the 2012 year of our Lord Jesus Christ.

This bill is injurious to the voters of Iowa not because of any specific content in the bill, instead because of the title of the bill and the fact that it does not comport to Article III, Section 29 of the Iowa Constitution. Section 29 states: "Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." I believe it is my duty to remind my fellow legislators of our oath to support the Constitution of the United States, and the Constitution of the State of Iowa.

MARK CHELGREN
DISTRICT 47

AMENDMENTS FILED

S-5238	H.F.	2465	Bill Dix
S-5239	H.F.	2465	Jack Whitver Bill Dotzler
S-5240	H.F.	2465	Robert E. Dvorsky
S-5241	H.F.	2465	Brad Zaun James F. Hahn Mark Chelgren Kent Sorenson Sandra Greiner Pat Ward Jack Whitver James A. Seymour Robert Bacon Nancy J. Boettger David Johnson Jerry Behn

S-5242	H.F.	2465	Brad Zaun James A. Seymour
S-5243	H.F.	2465	Rick Bertrand
S-5244	H.F.	2465	Tim L. Kapucian Robert Bacon Nancy J. Boettger James A. Seymour Sandra Greiner Mark Chelgren Kent Sorenson Rick Bertrand James F. Hahn Joni Ernst Bill Anderson
S-5245	H.F.	2465	Rick Bertrand Bill Anderson
S-5246	H.F.	2465	Robert Bacon Tim L. Kapucian Mark Chelgren Sandra Greiner Pat Ward Merlin Bartz Nancy J. Boettger Kent Sorenson Jack Whitver James A. Seymour Joni Ernst Bill Anderson James F. Hahn Roby Smith Jerry Behn David Johnson
S-5247	H.F.	2465	Joni Ernst Bill Anderson Steve Kettering James F. Hahn Rick Bertrand Kent Sorenson Roby Smith Sandra Greiner Pat Ward

			James A. Seymour David Johnson Brad Zaun
S-5248	H.F.	2465	Nancy J. Boettger Robert Bacon Tim L. Kapucian Mark Chelgren Roby Smith Sandra Greiner Pat Ward Jack Whitver James A. Seymour Joni Ernst Bill Anderson James F. Hahn Rick Bertrand Kent Sorenson Brad Zaun Jerry Behn
S-5249	H.F.	2465	David Johnson Tim L. Kapucian Bill Dotzler Dick Dearden
S-5250	H.F.	2465	David Johnson
S-5251	H.F.	2465	Jeff Danielson
S-5252	H.F.	2465	Kent Sorenson Rick Bertrand Jerry Behn Bill Anderson Sandra Greiner Nancy J. Boettger James F. Hahn Randy Feenstra Brad Zaun Tim L. Kapucian Pat Ward
S-5253	H.F.	2465	Mark Chelgren
S-5254	H.F.	2465	Joe M. Seng Robert E. Dvorsky

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 3, 2012

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

The Journal of Tuesday, May 1, 2012, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:04 a.m. until 10:00 a.m., Monday, May 7, 2012.

APPENDIX

STUDY BILL RECEIVED

SSB 3205 Ways and Means

Relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2343

JUDICIARY: Fraise, Chair; Boettger and Hogg

SSB 3205

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Jochum

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 2, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2328 – Relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

Senate File 2332 – Relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTIETH CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 7, 2012

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Thomas G. Courtney, member of the Senate from Des Moines County, Burlington, Iowa.

The Journal of Thursday, May 3, 2012, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 2012, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2465, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

The Senate stood at ease at 10:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:33 a.m., President Kibbie presiding.

SENATE INSISTS

House File 2465

Senator Dvorsky called up for consideration **House File 2465**, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2465** on the part of the Senate: Senators Dvorsky, Chair; Kibbie, Gronstal, Dix, and Kettering.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 609

Senator Hogg called up for consideration **House File 609**, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions, amended by the Senate and further amended by the House in House amendment S-5182 to Senate amendment H-8388, filed April 9, 2012.

Senator Hogg moved that the Senate concur and vote “No” in the House amendment to the Senate amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 609** and **2465** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:42 a.m. until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:37 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, appointed the conference committee to **House File 2465**, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, and the conference committee members on the part of the House are: the representative from Linn, Representative Wagner, Chair; the representative from Muscatine, Representative Lofgren; the representative from Linn, Representative Tyler Olson; the representative from Polk, Representative Raecker; the representative from Linn, Representative Running-Marquardt.

The Senate stood at ease at 2:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:21 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bacon, Chelgren, and Johnson, until they arrive, on request of Senator Behn.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2313

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **Senate File 2313**, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters:

On the part of the Senate:

PAM JOCHUM, Chair
 MERLIN BARTZ
 TOD R. BOWMAN
 JEFF DANIELSON
 JONI ERNST

On the part of the House:

RALPH WATTS, Chair
 WALT ROGERS
 JEFF SMITH

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2313

Senator Jochum called up the conference committee report on **Senate File 2313**, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2313), the vote was:

Yeas, 27:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng

Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	

Nays, 20:

Anderson	Ernst	Houser	Smith
Behn	Feenstra	Kapucian	Sorenson
Bertrand	Greiner	Kettering	Ward
Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun

Absent, 3:

Bacon	Chelgren	Johnson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2316

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions:

On the part of the Senate:

MATT MCCOY, Chair
DARYL BEALL
ROBERT E. DVORSKY

On the part of the House:

DAN HUSEMAN, Chair
ROYD CHAMBERS
DENNIS COHOON
LEE HEIN
BRIAN QUIRK

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2316

Senator McCoy called up the conference committee report on **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild

Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2316), the vote was:

Yeas, 29:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kibbie	Soddors
Black	Fraise	Mathis	Wilhelm
Bolkcom	Gronstal	McCoy	
Bowman	Hancock	Quirnbach	
Courtney	Hatch	Ragan	

Nays, 18:

Behn	Greiner	Kettering	Ward
Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun
Ernst	Houser	Smith	
Feenstra	Kapucian	Sorenson	

Absent, 3:

Bacon	Chelgren	Johnson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2321

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **Senate File 2321**, a bill for an act relating to the funding of, the operation of, and

appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions:

On the part of the Senate:

BRIAN SCHOENJAHN, Chair
WALLY E. HORN
HERMAN C. QUIRMBACH

On the part of the House:

CECIL DOLECHECK, Chair
PETER COWNIE
RON JORGENSEN
NATE WILLEMS
CINDY WINCKLER

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2321

Senator Schoenjahn called up the conference committee report on **Senate File 2321**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2321), the vote was:

Yeas, 28:

Bartz	Dearden	Hatch	Quirmbach
Beall	Dotzler	Hogg	Ragan
Black	Dvorsky	Horn	Rielly
Bolkcom	Fraise	Jochum	Schoenjahn
Bowman	Gronstal	Kibbie	Seng
Courtney	Hamerlinck	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm

Nays, 19:

Anderson	Ernst	Kapucian	Sorenson
Behn	Feenstra	Kettering	Ward
Bertrand	Greiner	McKinley	Whitver
Boettger	Hahn	Seymour	Zaun
Dix	Houser	Smith	

Absent, 3:

Bacon	Chelgren	Johnson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2313, 2316, and 2321** be **immediately messaged** to the House.

SENATE INSISTS

Senate File 466

Senator McCoy called up for consideration **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 466** on the part of the Senate: Senators McCoy, Chair; Courtney, Jochum, Anderson, and Bertrand.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 466** be **immediately messaged** to the House.

The Senate stood at ease at 3:41 p.m. until the fall of the gavel.

The Senate resumed session at 4:30 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:31 p.m. until the completion of a meeting of the committee on Judiciary.

RECONVENED

The Senate reconvened at 5:03 p.m., President Kibbie presiding.

The Senate stood at ease at 5:04 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 5:48 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, **adopted** the conference committee report **and passed House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed House File 2338**, a bill for an act relating to appropriations to the judicial branch.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he returns, on request of Senator Zaun.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2338

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **House File 2338**, a bill for an act relating to appropriations to the judicial branch:

On the part of the Senate:

ROBERT M. HOGG, Chair
EUGENE S. FRAISE
TOM HANCOCK
STEVE KETTERING

On the part of the House:

GARY WORTHAN, Chair
RICHARD ARNOLD
LANCE HORBACH
TODD TAYLOR
MARY WOLFE

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2338

Senator Hogg called up the conference committee report on **House File 2338**, a bill for an act relating to appropriations to the judicial branch, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2338), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 20:

Anderson	Ernst	Houser	Smith
Bartz	Feenstra	Kapucian	Sorenson
Bertrand	Greiner	Kettering	Ward
Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun

Absent, 4:

Bacon	Behn	Chelgren	Johnson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2337

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions:

On the part of the Senate:

WILLIAM DOTZLER, Chair
LIZ MATHIS
JOE M. SENG

On the part of the House:

JASON SCHULTZ, Chair
CHIP BALTIMORE
CHRIS HALL
DAVE JACOBY
JEREMY TAYLOR

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2337

Senator Dotzler called up the conference committee report on **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment

relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2337), the vote was:

Yeas, 32:

Anderson	Danielson	Hatch	Quirmbach
Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Bertrand	Dvorsky	Houser	Schoenjahn
Black	Ernst	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Ward
Courtney	Hancock	McCoy	Wilhelm

Nays, 14:

Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun
Feenstra	Kapucian	Smith	
Greiner	Kettering	Sorenson	

Absent, 4:

Bacon	Behn	Chelgren	Johnson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2337** and **2338** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

JUDICIARY

Bill Title: SENATE FILE 2343, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Soddors, Sorenson, Ward, and Whitver. Nays, none. Present, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Quirmbach, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2343.

Senate File 2343

On motion of Senator Fraise, **Senate File 2343**, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

(Senate File 2343 was deferred.)

The Senate stood at ease at 6:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:27 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, appointed the conference committee to **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, and the conference committee members on the part of the House are: the representative from Wright, Representative Iverson, Chair; the representative from Tama, Representative Horbach; the representative from Cedar, Representative Kaufmann; the representative from Crawford, Representative Muhlbauer; the representative from Polk, Representative Jo Oldson.

ALSO: That the House has on May 7, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2342, a bill for an act relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sales and use tax provisions related to property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed Senate File 2313**, a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed Senate File 2321**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions.

ALSO: That the House has on May 7, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2460, a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions.

BUSINESS PENDING

Senate File 2343

The Senate resumed consideration of **Senate File 2343**, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions, previously deferred.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2343), the vote was:

Yeas, 45:

Anderson	Dotzler	Horn	Seng
Bartz	Dvorsky	Houser	Seymour
Beall	Ernst	Jochum	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	
Dix	Hogg	Schoenjahn	

Nays, none.

Absent, 5:

Bacon	Chelgren	Quirnbach
Behn	Johnson	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2343** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:35 p.m. until 8:30 a.m., Tuesday, May 8, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Zach Bartling—For achieving the rank of Eagle Scout, Troop 167. Senator Hahn (5/7/12).

Matthew Albert Krueger, Muscatine—For achieving the rank of Eagle Scout, Troop 783. Senator Hahn (5/7/12).

Estelle Leinen, Dow City—For celebrating her 90th birthday, and in thanks for her years of service as a U.S. Navy W.A.V.E.S. veteran from World War II. Senator Seymour (5/7/12).

Maxwell Trent Longtin, Muscatine—For achieving the rank of Eagle Scout, Troop 783. Senator Hahn (5/7/12).

Penn Elementary School, North Liberty—For celebrating their 50th anniversary. Senator Dvorsky (5/7/12).

Bailey Hamilton Pieper, Muscatine—For achieving the rank of Eagle Scout, Troop 783. Senator Hahn (5/7/12).

Phyllis and Dick Schneden, Delmar—For celebrating their 50th wedding anniversary. Senator Bowman (5/7/12).

SUBCOMMITTEE ASSIGNMENT

House File 2392

WAYS AND MEANS: Jochum, Chair; Black and Feenstra

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 3, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 430 – Relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and effective date provisions.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 8, 2012

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Britney Samuelson.

The Journal of Monday, May 7, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, **adopted** the conference committee report **and passed Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions.

ALSO: That the House has on May 7, 2012, **receded** from the House amendment to the Senate amendment, **and passed** the following bill in which the concurrence of the House was asked:

House File 609, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

ALSO: That the House has on May 7, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2475, a bill for an act relating to taxation and local government budgets by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, providing for certain property tax replacement payments, modifying the assessment and taxation of telecommunications company property, establishing budget limitations for counties and cities, modifying certain reporting requirements, establishing a property tax credit for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 8:37 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:56 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley, Behn, Chelgren, Bacon, and Hamerlinck, until they arrive, on request of Senator Zaun.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2336

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection:

On the part of the Senate:

DENNIS H. BLACK, Chair
 DICK L. DEARDEN
 HUBERT HOUSER
 MARY JO WILHELM

On the part of the House:

JACK DRAKE, Chair
 ROSS PAUSTIAN
 NICK WAGNER

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2336

Senator Black called up the conference committee report on **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2336), the vote was:

Yeas, 33:

Bartz	Dotzler	Horn	Rielly
Beall	Dvorsky	Houser	Schoenjahn
Black	Ernst	Jochum	Seng
Boettger	Fraise	Kapucian	Seymour
Bolkcom	Gronstal	Kibbie	Sodders
Bowman	Hahn	Mathis	Wilhelm

Courtney Danielson Dearden	Hancock Hatch Hogg	McCoy Quirnbach Ragan
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Nays, 12:

Anderson Bertrand Dix	Feenstra Greiner Johnson	Kettering Smith Sorenson	Ward Whitver Zaun
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Absent, 5:

Bacon Behn	Chelgren Hamerlinck	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2335

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates:

On the part of the Senate:

TOM HANCOCK, Chair
EUGENE S. FRAISE
ROBERT M. HOGG

On the part of the House:

GARY WORTHAN, Chair
RICHARD ARNOLD
LANCE HORBACH

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2335

Senator Hancock called up the conference committee report on **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2335), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 19:

Anderson	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	Seymour	Zaun
Dix	Houser	Smith	

Absent, 5:

Bacon	Chelgren	McKinley
Behn	Hamerlinck	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2335** and **2336** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:14 a.m. until 10:30 a.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2392, a bill for an act to legalize and validate the proceedings preliminary to and in connection with a special election held to authorize the imposition of a local option sales and services tax within the City of Adel, Iowa under Iowa Code Chapter 423B, declaring the validity of said proceedings and the legality of the local option sales and services tax authorized by the special election, and providing an effective date and for retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Bolkcom, Seng, Feenstra, Bartz, Black, Hogg, Jochum, Mathis, and Zaun. Nays, 4: Anderson, Dotzler, McCoy, and Smith. Absent, 2: Chelgren and Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2392.

House File 2392

On motion of Senator Jochum, **House File 2392**, a bill for an act to legalize and validate the proceedings preliminary to and in connection with a special election held to authorize the imposition of a local option sales and services tax within the City of Adel, Iowa under Iowa Code Chapter 423B, declaring the validity of said proceedings and the legality of the local option sales and services tax authorized by the special election, and providing an effective date and for retroactive applicability, with report of committee recommending passage, was taken up for consideration.

(House File 2392 was deferred.)

The Senate stood at ease at 1:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:19 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2392, previously deferred.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2392), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 22:

Beall	Dvorsky	Horn	Rielly
Black	Fraise	Jochum	Schoenjahn
Bolkcom	Gronstal	Kibbie	Seng
Courtney	Hancock	Mathis	Sodders
Dearden	Hatch	Quirmbach	
Dotzler	Hogg	Ragan	

Nays, 24:

Anderson	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Bertrand	Feenstra	Kapucian	Ward
Boettger	Greiner	Kettering	Whitver
Bowman	Hahn	McCoy	Wilhelm
Danielson	Hamerlinck	Seymour	Zaun

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2284

A conference committee report, signed by the following Senate and House members, was filed May 8, 2012, on **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board

of educational examiners, the state board of regents, school districts, and accredited nonpublic schools:

On the part of the Senate:

HERMAN C. QUIRMBACH, Chair
 NANCY J. BOETTGER
 TOD R. BOWMAN
 SHAWN HAMERLINCK
 BRIAN SCHOENJAHN

On the part of the House:

ROYD CHAMBERS, Chair
 CECIL DOLECHECK
 GREG FORRISTALL
 MARY MASCHER
 SHARON STECKMAN

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2284

Senator Quirmbach called up the conference committee report on **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, filed on May 8, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2284), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 31:

Bartz	Dearden	Horn	Rielly
Beall	Dotzler	Houser	Schoenjahn
Black	Dvorsky	Jochum	Seng
Boettger	Fraise	Kibbie	Seymour
Bolkcom	Gronstal	Mathis	Sodders
Bowman	Hancock	McCoy	Ward
Courtney	Hatch	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	

Nays, 15:

Anderson	Feenstra	Johnson	Sorenson
Bertrand	Greiner	Kapucian	Whitver
Dix	Hahn	Kettering	Zaun
Ernst	Hamerlinck	Smith	

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2284** and **House File 2392** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2343, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

INTRODUCTION OF BILL

Senate File 2344, by committee on Ways and Means, a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2344 (SSB 3205), a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Bolkcom, Seng, Black, Dotzler, Jochum, Mathis, McCoy, and Quirmbach. Nays, 5: Feenstra, Anderson, Hogg, Smith, and Zaun. Present, 1: Bartz. Absent, 1: Chelgren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2344, and they were attached to the committee report.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2344** be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:40 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 3:34 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2473, a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 3:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:35 p.m., President Kibbie presiding.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 466

A conference committee report, signed by the following Senate and House members, was filed May 8, 2012, on **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty:

On the part of the Senate:

MATT MCCOY, Chair
BILL ANDERSON
RICK BERTRAND
THOMAS G. COURTNEY
PAM JOCHUM

On the part of the House:

STEWART IVERSON, Chair
JEFF KAUFMANN
DAN MUHLBAUER
JO OLDSO

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 466

Senator McCoy called up the conference committee report on **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, filed on May 8, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Yeas, 45:

Anderson	Dotzler	Horn	Schoenjahn
Bartz	Dvorsky	Houser	Seng
Beall	Ernst	Jochum	Seymour
Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	Mathis	Whitver
Courtney	Hamerlinck	McCoy	Wilhelm
Danielson	Hancock	Quirnbach	
Dearden	Hatch	Ragan	
Dix	Hogg	Rielly	

Nays, 1:

Zaun

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2470, a bill for an act providing for sales and use taxes collected on farm machinery and equipment.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-5256.

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, Smith and Zaun. Nays, 1: McCoy. Absent, 2: Chelgren and Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2470.

House File 2470

On motion of Senator Hogg, **House File 2470**, a bill for an act providing for sales and use taxes collected on farm machinery and equipment, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment S-5256, filed by the committee on Ways and Means from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5256 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2470), the vote was:

Yeas, 43:

Anderson	Dvorsky	Horn	Schoenjahn
Bartz	Ernst	Houser	Seng
Beall	Feenstra	Jochum	Seymour
Bertrand	Fraise	Johnson	Smith

Black	Greiner	Kapucian	Sodders
Boettger	Gronstal	Kettering	Sorenson
Bowman	Hahn	Kibbie	Ward
Courtney	Hamerlinck	Mathis	Whitver
Danielson	Hancock	Quirnbach	Wilhelm
Dix	Hatch	Ragan	Zaun
Dotzler	Hogg	Rielly	

Nays, 3:

Bolkcom	Dearden	McCoy
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Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2315

Senator Hatch called up for consideration **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, amended by the House in House amendment S-5234, filed April 24, 2012.

Senator Hatch offered amendment S-5255, filed by him from the floor to pages 5, 7, 10, 12, 15, and 24-28 of House amendment S-5234, and moved its adoption.

Amendment S-5255 to amendment S-5234 was adopted by a voice vote.

Senator Hatch moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2315), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 20:

Anderson	Ernst	Houser	Smith
Bartz	Feenstra	Johnson	Sorenson
Bertrand	Greiner	Kapucian	Ward
Boettger	Hahn	Kettering	Whitver
Dix	Hamerlinck	Seymour	Zaun

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Hatch moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2315), the vote was:

Yeas, 28:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Seymour
Courtney	Hancock	McCoy	Sodders
Danielson	Hatch	Quirnbach	Wilhelm
Dearden	Hogg	Ragan	Zaun

Nays, 18:

Anderson	Ernst	Houser	Sorenson
Bartz	Feenstra	Johnson	Ward
Bertrand	Greiner	Kapucian	Whitver
Boettger	Hahn	Kettering	
Dix	Hamerlinck	Smith	

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 466** and **2315** and **House File 2470** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2344 (SSB 3205), a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dvorsky, McCoy, Black, Bolkom, Danielson, Dotzler, Fraise, Hancock, Jochum, Ragan, and Schoenjahn. Nays, 9: Dix, Boettger, Hatch, Hogg, Houser, Johnson, Kapucian, Kettering, and Seymour. Present, 1: Bartz. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECESS

On motion of Senator Gronstal, the Senate recessed at 5:03 p.m. until the completion of a meeting of the committee on Ways and Means.

EVENING SESSION

The Senate reconvened at 5:54 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **adopted** the conference committee report **and passed Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools.

The Senate stood at ease at 5:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:06 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2344 and House File 2473.

Senate File 2344

On motion of Senator Bolkcom, **Senate File 2344**, a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator McCoy offered amendment S-5257, filed by him from the floor to page 31 and amending the title page of the bill.

Senator Feenstra asked and received unanimous consent that action on amendment S-5257 and **Senate File 2344** be **deferred**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2473, a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. Absent, 1: Chelgren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

House File 2473

On motion of Senator Dotzler, **House File 2473**, a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2473), the vote was:

Yeas, 46:

Anderson	Dotzler	Horn	Schoenjahn
Bartz	Dvorsky	Houser	Seng
Beall	Ernst	Jochum	Seymour
Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	Mathis	Whitver
Courtney	Hamerlinck	McCoy	Wilhelm
Danielson	Hancock	Quirmbach	Zaun
Dearden	Hatch	Ragan	
Dix	Hogg	Rielly	

Nays, none.

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2473** be **immediately messaged** to the House.

SPECIAL GUESTS

Senator Black introduced to the Senate chamber the Honorable Mark Shearer, former member of the Senate from Washington County, Washington, Iowa. He was accompanied by his family.

The Senate rose and expressed its welcome.

The Senate stood at ease at 7:19 p.m. until the fall of the gavel.

The Senate resumed session at 8:15 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **adopted** the conference committee report and passed **House File 2465**, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

BUSINESS PENDING

Senate File 2344

The Senate resumed consideration of **Senate File 2344**, a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions, previously deferred.

Senator Feenstra offered amendment S-5258, filed by Senator Feenstra, et al., from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

(Senate File 2344 and amendment S-5258 were deferred.)

The Senate stood at ease at 8:16 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:33 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2344 and amendment S-5258, previously deferred.

Senator Feenstra moved the adoption of amendment S-5258.

A record roll call was requested.

On the question "Shall amendment S-5258 be adopted?" (S.F. 2344), the vote was:

Yeas, 21:

Anderson	Ernst	Johnson	Ward
Bacon	Feenstra	Kapucian	Whitver
Bartz	Greiner	Kettering	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	
Dix	Houser	Sorenson	

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 3:

Behn	Chelgren	McKinley
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Amendment S-5258 lost.

The Senate resumed consideration of amendment S-5257, previously deferred.

Senator McCoy moved the adoption of amendment S-5257.

Amendment S-5257 was adopted by a voice vote.

The Senate stood at ease at 9:40 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:46 p.m., President Kibbie presiding.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2344), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 24:

Beall	Dearden	Horn	Ragan
Black	Dotzler	Jochum	Rielly
Bolkcom	Dvorsky	Kibbie	Schoenjahn
Bowman	Fraise	Mathis	Seng
Courtney	Gronstal	McCoy	Sodders
Danielson	Hancock	Quirnbach	Wilhelm

Nays, 23:

Anderson	Ernst	Hogg	Smith
Bacon	Feenstra	Houser	Sorenson
Bartz	Greiner	Johnson	Ward
Bertrand	Hahn	Kapucian	Whitver
Boettger	Hamerlinck	Kettering	Zaun
Dix	Hatch	Seymour	

Absent, 3:

Behn	Chelgren	McKinley
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The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the Senate is asked:

Senate File 2315, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

SENATE INSISTS

Senate File 2315

Senator Hatch called up for consideration **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2315** on the part of the Senate: Senators Hatch, Chair; Bolkcom, Ragan, Johnson, and Ernst.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2315** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, appointed the conference committee to **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, and the conference committee members on the part of the House are: the representative from Linn, Representative Schulte, Chair; the representative from Story, Representative Heddens, the representative from Marshall, Representative Mark Smith, the representative from Hancock, Representative Upmeyer, the representative from Linn, Representative Wagner.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:57 p.m. until 9:00 a.m., Wednesday, May 9, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Epworth Fire Department—For providing outstanding, professional and dedicated Emergency Services for over 100 years. Senator Hancock (5/8/12).

Dr. Magdi Ghali, West Des Moines—For achieving a hole in one on Hole #7 at Heron Point in Hilton Head, SC. Senator Whitver (5/8/12).

Vicki Leonard—For 37 dedicated years as a 911 Dispatcher for Dubuque County. Senators Hancock and Jochum (5/8/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, May 8, 2012, 2:45 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Passed SF 2344.

Recessed: 2:50 p.m.

Reconvened: 3:20 p.m.

Adjourned: 3:30 p.m.

WAYS AND MEANS

Convened: Tuesday, May 8, 2012, 10:35 a.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: Chelgren (excused).

Committee Business: Passed HFs 2392 and 2470. Approved SSB 3205.

Recessed: 10:40 a.m.

Reconvened: 11:05 a.m.

Adjourned: 12:25 p.m.

ALSO:

Convened: Tuesday, May 8, 2012, 5:10 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: Chelgren (excused).

Committee Business: Passed HF 2473.

Recessed: 5:15 p.m.

Reconvened: 5:35 p.m.

Adjourned: 5:40 p.m.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 8, 2012, when the votes were taken on Senate Files 466 and 2315. Had I been present, I would have voted “Aye” on both. In addition, I was necessarily absent when the vote was taken on House File 2335. Had I been present, I would have voted “Nay.”

ROBERT BACON

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2344 failed to be adopted by the Senate on May 8, 2012.

ROBERT M. HOGG

AMENDMENTS FILED

S-5255	S.F.	2315	Jack Hatch
S-5256	H.F.	2470	Ways and Means
S-5257	S.F.	2344	Matt McCoy
S-5258	S.F.	2344	Randy Feenstra
			James F. Hahn
			Steve Kettering
			Joni K. Ernst
			Bill Anderson

Rick Bertrand
Kent Sorenson
David Johnson
Hubert Houser
James A. Seymour
Bill Dix
Tim Kapucian
Nancy J. Boettger
Shawn Hamerlinck
Jack Whitver
Roby Smith
Merlin Bartz
Sandra Greiner
Pat Ward
Brad Zaun

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-FOURTH
GENERAL ASSEMBLY**

2012 REGULAR SESSION

Volume II

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

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JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 9, 2012

The Senate met in regular session at 9:14 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Tuesday, May 8, 2012, was approved.

The Senate stood at ease at 9:40 a.m. until the fall of the gavel.

The Senate resumed session at 9:48 a.m., President Kibbie presiding.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2465

A conference committee report, signed by the following Senate and House members, was filed May 8, 2012, on **House File 2465**, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions:

On the part of the Senate:

ROBERT E. DVORSKY, Chair
MICHAEL E. GRONSTAL
JOHN P. KIBBIE

On the part of the House:

J. SCOTT RAECKER, Chair
MARK LOFGREN
TYLER OLSON
KIRSTEN RUNNING-MARQUARDT
NICK WAGNER

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Chelgren, until they arrive, on request of Senator Zaun.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2465

Senator Dvorsky called up the conference committee report on **House File 2465**, a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, filed on May 8, 2012.

(House File 2465 was deferred.)

The Senate stood at ease at 9:50 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:11 a.m., President Kibbie presiding.

The Senate resumed consideration of House File 2465, previously deferred.

Senator Dvorsky moved the adoption of the conference committee report on House File 2465.

The motion prevailed by a voice vote and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2465), the vote was:

Yeas, 29:

Bartz	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kettering	Seng
Black	Fraise	Kibbie	Seymour
Bolkcom	Greiner	Mathis	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirnbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 19:

Anderson	Ernst	Houser	Sorenson
Bacon	Feenstra	Johnson	Ward
Bertrand	Hahn	Kapucian	Whitver
Boettger	Hamerlinck	McKinley	Zaun
Dix	Hatch	Smith	

Absent, 2:

Behn	Chelgren
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2465** be **immediately messaged** to the House.

The Senate stood at ease at 10:17 a.m. until the fall of the gavel.

The Senate resumed session at 11:32 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:33 a.m. until 1:00 p.m.

RECONVENED

The Senate reconvened at 2:42 p.m., President Kibbie presiding.

The Senate stood at ease at 2:43 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:34 p.m., Senator Fraise presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and McKinley, until they return, on request of Senator Kapucian.

HOUSE AMENDMENT CONSIDERED

Senate File 2237

Senator Danielson called up for consideration **Senate File 2237**, a bill for an act concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling, amended by the House in House amendment S-5153, filed March 29, 2012.

Senator Kapucian asked and received unanimous consent to withdraw amendment S-5161, filed by Senators Kapucian and Soddors on April 3, 2012, to page 1 House amendment S-5153.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2237), the vote was:

Yeas, 46:

Anderson	Dix	Hogg	Schoenjahn
Bacon	Dotzler	Horn	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Soddors

Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	Quirnbach	Zaun
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Nays, none.

Absent, 4:

Behn	Chelgren	Houser	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Kibbie took the chair at 3:43 p.m.

UNFINISHED BUSINESS
(Deferred April 11, 2012)

Senate File 2334

The Senate resumed consideration of **Senate File 2334**, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions, deferred April 11, 2012.

Senator Kapucian asked and received unanimous consent to withdraw amendment S-5198, filed by Senator Kapucian, et al., on April 11, 2012, to page 1 and amending the title page of the bill.

Senator Kapucian asked and received unanimous consent to withdraw amendment S-5259, filed by Senators Kapucian and Danielson from the floor to page 1 and amending the title page of the bill.

Senator Danielson offered amendment S-5213, filed by him on April 16, 2012, to page 1 of the bill, and moved its adoption.

Amendment S-5213 was adopted by a voice vote.

Senator Danielson asked and received unanimous consent that **House File 2466** be **substituted** for **Senate File 2334**.

House File 2466

On motion of Senator Danielson, **House File 2466**, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions, was taken up for consideration.

Senator Danielson offered amendment S-5260, filed by Senators Danielson and Kapucian from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-5260 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2466), the vote was:

Yeas, 46:

Anderson	Dix	Hogg	Schoenjahn
Bacon	Dotzler	Horn	Seng
Bartz	Dvorsky	Jochum	Seymour
Beall	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	Quirnbach	Zaun
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Nays, none.

Absent, 4:

Behn	Chelgren	Houser	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

WITHDRAWN

Senator Danielson asked and received unanimous consent that **Senate File 2334** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2237** and **House File 2466** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2315

A conference committee report, signed by the following Senate and House members, was filed May 9, 2012, on **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
JONI ERNST
DAVID JOHNSON
AMANDA RAGAN

On the part of the House:

RENEE SCHULTE, Chair
LINDA UPMEYER
NICK WAGNER

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2315

Senator Hatch called up the conference committee report on **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, filed on May 9, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2315), the vote was:

Yeas, 30:

Bacon	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Johnson	Seng
Black	Fraise	Kibbie	Seymour
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hancock	McCoy	Wilhelm
Courtney	Hatch	Quirnbach	Zaun
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 16:

Anderson	Dix	Hahn	Smith
Bartz	Ernst	Hamerlinck	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Boettger	Greiner	Kettering	Whitver

Absent, 4:

Behn	Chelgren	Houser	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2315** be **immediately messaged** to the House.

The Senate stood at ease at 4:06 p.m. until the fall of the gavel.

The Senate resumed session at 4:34 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she returns, on request of Senator Zaun.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2336

A conference committee report, signed by the following Senate and House members, was filed May 9, 2012, on **Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN

On the part of the House:

DAVE HEATON, Chair
LINDA MILLER
MATT WINDSCHITL

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2336

Senator Hatch called up the conference committee report on **Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, filed on May 9, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2336), the vote was:

Yeas, 27:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Seymour
Courtney	Hancock	McCoy	Sodders
Danielson	Hatch	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Nays, 18:

Anderson	Dix	Hamerlinck	Sorenson
Bacon	Ernst	Johnson	Whitver
Bartz	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Boettger	Hahn	Smith	

Absent, 5:

Behn	Houser	Ward
Chelgren	McKinley	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2336** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:39 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 4:42 p.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 102, by Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: **Senate Concurrent Resolution 102**, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Bartz, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zaun. Nays, none. Absent, 2: Behn and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 102.

Senator Gronstal asked and received unanimous consent that action on **Senate Concurrent Resolution 102** be **deferred**.

The Senate stood at ease at 4:44 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:13 p.m., President Kibbie presiding.

REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

As we wrap up the 2012 Session, I think we can all walk away with an equal measure of satisfaction and disappointment. That's the nature of the legislative process and a good lesson for legislators in the future. The success of any legislative session is to recognize that compromise is not a bad word, but the process by which agreements are reached for us to finish our business.

I end my eighth year as President very grateful to my colleagues allowing me to serve in this office. I always believed that my office was open to every member and I have tried to treat all Senators with an equal measure of respect. I hope I have been successful.

I began this year with a belief that the key to continued economic job growth and economic development was the glaring need for us to address our skilled work force shortage. I was encouraged that the Senate passed the bill I drafted but disappointed it didn't receive bipartisan support or considered in the House. As the session ends, however, the budget we passed did address this crucial issue by providing over \$20 million in funds for Skilled Workforce Shortage Grants to students; Worker Training Programs at Community Colleges; Skilled Worker Shortage programs at Community Colleges; and Accelerated Career Education (ACE) at Community Colleges. These initiatives should be viewed by every member of this Legislature as one of the great successes of this session.

While there was a lot of talk about Education Reform, the truth is that every session goes about the business of addressing education so that we continually are improving education, the biggest expenditure in our budget. I was encouraged that we found common ground on Governor Branstad's education agenda and the challenge for the future is to allocate funds for the various initiatives. Unfortunately, for the first time since we have had a K-12 formula, we did not provide any level of allowable growth. At a time when there are more challenges than ever in the classroom, we are penny wise and pound foolish to not provide adequate resources to help schools do the best job possible for our children.

I think this Legislature can also be proud that we sent a strong message to our state universities that we must help them in their education mission by providing \$20 million in new general operating funds. Most importantly, we saw the unique needs of UNI because of the large number of Iowa born students and made a substantial increase to them for their Math and Science Collaborative. We should all be proud of these three schools record of educational achievement as well as the economic development they provide for their communities.

This Legislature also took on the challenge of reforming our badly broken mental health system. While no Legislation is perfect, our colleagues in the Senate spent hundreds of hours and the House who worked in good faith to bring out legislation that I believe puts us on the right path. For what flaws this bill might have, the mental health system will be better because of the passage of this important initiative.

I am pleased that we came together on two of the three biggest pieces of our budget – Human Services and Public Safety. People of good will brought varying priorities to the table, worked through them and strengthened our Public Health System, Medicaid, Corrections and our Judicial System. Iowans recognize along with education, these areas are part of our common commitment to each other and are over 90% of our budget.

Clearly, the biggest disappointment this year was the failure of this Legislature to find common ground on property tax reform aimed at commercial property tax reduction. Partisan politics got in the way of a real solution and that should not have happened. This is a 30 year old problem that needs to be solved and I hope next year will see a better climate for this to happen.

Lastly, you all know my strong commitment of renewable fuels. I firmly believe our strong economy is being driven by the agricultural sector of which renewable fuels plays a big part. Rural Iowa is dotted with 54 refineries for ethanol and biodiesel. We are a leader in wind and need to do more development for solar. Much of our future growth is tied to the continued commitment to renewable fuels. Iowa must continue to lead and if we do it will mean jobs, more economic growth and prosperity.

As I end 32 years of public service, it has been a privilege to serve in this Capitol; develop friendships with many of my colleagues; and most of all, serve my constituents. It has been a great run and I have loved every minute. Good bye and best wishes.

REMARKS BY THE MAJORITY LEADER

Senator Gronstal provided the following remarks:

On January 9, I said “My goal is a short, productive session.”

I got it half right.

I want to start by thanking Speaker Paulsen, Senate Minority Leader Behn, and every Republican legislator for helping make this session a success.

I really mean that.

Legislative politics is not about a group of people who agree with each other all the time, getting together and telling each other how right they are.

Legislatures never work that way.

Success in legislatures occurs when people of good faith work to find reasonable compromises.

That happened many times this year.

That’s why Iowa politics are different from Washington politics. That’s why this session is a success.

Obviously, we did not agree on every issue. What group of 150 Iowans would?

We did, however, agree on legislation that will move this state forward, legislation that will help create jobs, grow our economy, increase student achievement, and expand educational opportunity.

And we did it by balancing the budget without raising taxes.

Here’s my short, personal list of session highlights:

This Legislature stayed focused on improving Iowa’s economy.

Business people say fixing Iowa’s skilled worker shortage will create jobs and grow our economy. Working together, we asked Iowa’s outstanding community colleges to tackle this problem. We also provided the money they’ll need to get started.

Working together, we made college more affordable for every Iowan, from returning National Guard soldiers to students at Iowa’s outstanding private colleges and nationally recognized public universities.

Working together, we intensified the STEM effort to improve Science, Technology, Engineering and Math learning in our K12 schools and expanded career-oriented engineering education.

This Legislature agreed to continue substantial economic development efforts.

Working together, we funded substantial business incentives; innovation and business development at our universities; and Workforce Development field offices that help out of work Iowans find jobs and local businesses find workers.

Working together, we jumpstarted Iowa’s solar and geothermal energy industry with targeted tax credits and extended ethanol incentives.

This Legislature launched an intensive effort to improve Iowa schools.

Working together, we reinforced the importance of early grade literacy, increased parental involvement, instituted annual teacher performance reviews, and expanded student assessments.

Working together, we kept the option of high quality preschool available to all parents and smaller class sizes for kids learning to read

This Legislature fundamentally reformed our complex mental health system.

Working together, we made sure all Iowa families will receive high quality services regardless of where they live; there will be more accountability and transparency; and, services will be provided more effectively and efficiently.

We could have done more.

For example, we should have continued forty years of forward funding for local schools by approving a four percent increase in 2014. The need is there, and we had the resources.

But I'll leave more talk of "woulda, coulda, shoulda" for another day.

Today the focus should rightly be on the fact that the Republican-controlled Iowa House and the Democratic-controlled Iowa Senate chose to enact good policy rather than engage in partisan politics.

The result will be a stronger Iowa economy, better Iowa schools, and a better quality of life for all Iowans.

In closing, I want to thank Democratic Leader McCarthy and our Democratic colleagues in the Iowa House for their vigilance and passion, the Senate backroom staff, the Republican and Democratic Senate staffs, the Senate doorkeepers, the Legislative Service Agency, and the pages.

Finally, I would like to thank the 26 Democratic members of the Iowa Senate.

Every day, each of you inspired me by showing how people of good faith work together to find reasonable compromises.

Well, most of you, on most days, were inspiring.

Thank you all.

REMARKS BY THE MINORITY LEADER

Senator Behn provided the following remarks:

Thank you Mr. President.

Colleagues, friends, family and all Iowans:

On the first day of this session, now many weeks ago, I started my opening day speech with a famous Winston Churchill quote that goes as follows, "Courage is the first of human qualities because it is the quality that guarantees all the others."

I asked all of us to have the courage to put aside our differences and work in a spirit of true bi-partisanship on the enormous challenges that face our great state. I asked us to provide the measurable results that the hardworking Iowa taxpayers deserve.

I said we must listen not only to what our colleagues have to say—but most especially to those 60,000 bosses that are back home in each of our districts, counting on us to always do what is right for their families, neighborhoods, communities and schools.

Did we provide the measurable results that Iowa taxpayers deserve this session?

In most cases, we did not.

When it comes to job creation, property tax relief, world-class education and government rule and regulation reform, this Legislature failed to make the necessary strides that hardworking Iowans deserved.

As Senate Republicans, we maintained a laser-like focus on job creation and career development this session, but it is disappointing that our colleagues across the aisle opted against a full debate on all of the issues that would lead to more job and career development in our great state.

This should not have been the session to say “No” to good job creation ideas like authentic, aggressive and permanent property tax relief or comprehensive rule and regulatory reform, just because they were ideas that originated from the other side of the aisle.

Instead, Iowans were treated to more of the same. Over the past few years, this has become a pattern that we cannot afford to continue to repeat in the years ahead.

So what did we accomplish?

We did pass a state budget for the upcoming year—and thankfully it was done much earlier than last session.

However, this new budget continues to spend far too much and we missed an opportunity to put into place more government reforms and efficiencies that would lead to systemic change and long-term savings.

As we look to the future, Senate Republicans pledge that we will continue to stand by sound budgeting principles like not spending more than we take in and not raising taxes in order to balance the budget. Just as hardworking Iowa taxpayers tighten their belts, so too should government.

We must continue to wean ourselves off the practice of using one-time dollars for ongoing expenses and continue to provide transparency and accountability. Our budgeting decisions should not just be about this year—we must think about the next decade and the next generation.

The reason I ran for the Senate is because of my four children and now my five grandchildren. I want them to be able to grow up in Iowa—in safe communities with good schools and as they get older—be able to find good jobs and build rewarding careers right here if they so choose.

That is why it is such a tragedy that we missed a golden opportunity to fully revamp and upgrade our property tax system.

The Iowa House, time after time, passed aggressive, authentic and permanent property tax relief with broad bi-partisan support. They should be commended. This body should be disappointed.

So now we have work to do in the future, because Senate Republicans know we cannot afford to have property tax rates that rival that of downtown New York City. A property tax system, like the one offered by Senate Democrats this year, that simply shifts around the tax burden, picks winners and losers, relies on state revenue triggers and onerous applications will not work and is not acceptable.

This Senate Democrat plan proved to be so unappealing that even their own Democrat members could not stomach it.

Since property tax relief did not happen this session, next year Senate Republicans look forward to working closely with Governor Branstad, our colleagues in the House of Representatives and those Senate Democrats willing to be guided by something other than the party line to make it happen.

We will provide genuine, aggressive and permanent property tax relief to hardworking Iowa taxpayers.

Along with property tax reform and responsible budgeting comes removing some of the barriers to growth by getting a handle on our increasingly burdensome government rules and regulations.

Last session, Senate Republicans spearheaded an effort to go across the state to hear directly from Iowans about how government red tape is holding back their success. We then put together a series of ten proposals aimed at re-opening Iowa for business.

In nearly all cases this session, our colleagues across the aisle missed ample opportunities to make it easier for more Iowans to realize their dreams and pursue their ambitions.

Instead of allowing a fair hearing and a rigorous debate on the merits of these common sense proposals, Senate Democrats mostly turned a blind eye and a deaf ear to the job creators, entrepreneurs and small business owners across this state who have been ardently clamoring for some common sense and for some relief.

We also failed to muster the courage to tackle challenges that exist in education. While one education reform bill will go to the governor's desk, it is a far cry from what is truly needed. We could and should have done more for our children—the future of our state.

Education should be about preparing our students to achieve success and be productive citizens. Senate Republicans believe education should be about achievement and teaching our children the necessary skills they need to successfully compete in the global marketplace.

As such, let's get back to setting high standards and expectations for our students and challenge them to reach their fullest potential. We believe students will rise to the challenge if we provide them with world-class standards, ambitious benchmarks and a rigorous curriculum grounded in the fundamentals of reading, writing, math, science, history and civics.

Like property tax relief, rule and regulatory reform and finding more ways to make government more efficient and effective, true education reform will apparently have to wait until next year.

This Senate also missed opportunities to shield Iowans from nearly all aspects of Obamacare, failed to increase our base load energy supply, failed to take major steps to protect life and failed to give Iowans a vote on the very basic definition of marriage.

In the cause of promoting freedom, liberty and opportunity, we could and should have done more.

So clearly, there are significant challenges awaiting next year's Legislature.

The 85th General Assembly will have its hands full because the 84th failed to act in so many ways.

This November is likely to provide this body a lot of new Senators and with that a lot of new energy and new ideas.

We should welcome that.

Why?

Because this state's greatest asset is our people and the work they do for their communities, schools, churches and most importantly—each other.

Their independence, self-reliance, honesty, resilience, work ethic, volunteerism and concern and care for others serves as an inspiration.

We have incredible, hardworking people in all 947 communities doing extraordinary things to renew the promise that exists in all 99 counties. These Iowans just want to make a good living and raise their families, and they deserve a government that respects, appreciates and encourages them to do so.

It is a blessing that this is a part-time citizen Legislature as it keeps our public servants closer to "We The People".

Mr. President, before I conclude, I wish to again say farewell to eight of our retiring citizen-legislators. To my good friends Senators McKinley, Kettering, Seymour and

Bacon and to Senators Hancock, Rielly, Fraise and Kibbie, I wish you continued good health and many years of happiness.

I also want to thank all of the clerks, mail room workers, phone message takers, doormen and clerks. Thank you to our hardworking and dedicated Senate Republican Caucus staff: John, Kirsten, Tom, Josh, Pam, Jim, Gannon, Eric and Russ and our interns Matt and Josh. I wish to also thank my tireless staff—Nicole and Don and Marce for their continued hard work.

Thank you as well to Secretary Marshall's staff, the LSA staff and all the other great folks who make this place function.

Mr. President, in closing, I just want to again reiterate how honored I am to represent my central Iowa constituents and to serve as the Senate Republican Leader.

I can say with the utmost assurance that in my 16 years here, this is the most talented caucus I have ever been a part of and we have had some great ones. We truly have an entrepreneurial caucus of individuals—many of whom are current or former employers with the expertise, knowledge and experience needed make Iowa the envy of the world.

So as we all depart today, may you all go back home to your districts and enjoy your families.

Please continue to celebrate what makes this state so special and unique.

I wish there was more we had done this year, but I pray that next year's legislature will have the courage to do what this year's didn't.

Thank you very much, may God bless our great state and may God bless America.

BUSINESS PENDING

Senate Concurrent Resolution 102

The Senate resumed consideration of **Senate Concurrent Resolution 102**, a concurrent resolution to provide for adjournment sine die, previously deferred.

Senate Concurrent Resolution 102

On motion of Senator Gronstal, **Senate Concurrent Resolution 102**, a concurrent resolution to provide for adjournment sine die, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 102, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 102** be **immediately messaged** to the House.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 102, duly adopted, the day of May 9, 2012, having arrived, President Kibbie declared the 2012 Regular Session of the Eighty-fourth General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Adam Batchelor, Muscatine—For achieving the rank of Eagle Scout, Troop 167. Senator Hahn (5/9/12).

Charles F. Davis, Jefferson—For his service in World War II as a member of the U.S. Army Air Corps. Senator Whitver (5/9/12).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, May 9, 2012, 2:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: Chelgren (excused).

Committee Business: Passed SF 2227 as amended.

Recessed: 2:10 p.m.

Reconvened: 2:20 p.m.

Adjourned: 2:30 p.m.

INTRODUCTION OF BILL

Senate File 2345, by committee on Ways and Means, a bill for an act relating to economic development by modifying the innovation fund investment tax credit and the authority and duties of the Iowa

innovation corporation, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2345 (formerly SF 2227), a bill for an act relating to economic development by modifying the innovation fund investment tax credit and the authority and duties of the Iowa innovation corporation, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Smith, and Zaun. Nays, 2: Bolkcom and Quirmbach. Absent, 1: Chelgren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2345, and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 9th day of May, 2012.

Senate Files 2283 and 2338.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5259	S.F.	2334	Tim Kapucian Jeff Danielson
S-5260	H.F.	2466	Jeff Danielson Tim Kapucian

SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2012 Regular Session.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 2012, **adopted** the conference committee report **and passed Senate File 466**, a bill for an act relating to residential contractors and providing a penalty.

ALSO: That the House has on May 9, 2012, **adopted** the conference committee report **and passed Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

ALSO: That the House has on May 9, 2012, **adopted** the conference committee report **and passed Senate File 2336**, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions.

ALSO: That the House has on May 9, 2012, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2466, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

House File 2470, a bill for an act providing for sales and use taxes collected on farm machinery and equipment.

ALSO: That the House has on May 9, 2012, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 102, a concurrent resolution to provide for adjournment sine die.

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Cost Containment Strategies Quarterly report, pursuant to 2011 Iowa Acts, HF 649, Section 10. Report received on May 25, 2012.

OFFICE OF DRUG CONTROL POLICY

FY 2012 Application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, pursuant to CFDA 16.738. Report received on May 15, 2012.

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider, which remained on the Senate Calendar upon the adjournment of the 2012 Regular Session of the Eighty-fourth General Assembly, was determined to have **failed**:

The motion to reconsider the vote by which SF 2344 failed to pass the Senate on May 8, 2012. (Motion to reconsider filed by Senator Hogg on May 8, 2012.)

MICHAEL E. MARSHALL
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2313, the following correction was made:

1. Page 2, lines 12-17: underscore the text to indicate new language.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2315, the following corrections were made:

1. Page 15, line 26: change "a director" to "the director".
2. Page 30, lines 4 and 5: "d", "e", "f", and "g" changed to "c", "d", "e", and "f".
3. Page 33, lines 27, 31, 32, and 35: "g", "(1)", "(2)", and "(3)" redesignated as "5", "a", "b", and "c".

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2316, the following corrections were made:

1. Page 1, line 19: removed colon after "CORRECTIONS".
2. Page 16, line 2: added comma after "2012".

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2336, the following corrections were made:

1. Page 19, line 22: Deleted "b." subunit designation.
2. Page 102, line 33: Corrected spelling of the word "RESIDENTIAL".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 9th day of May, 2012.

Senate Files 466, 2237, 2284, 2313, 2315, 2316, 2321, 2336, 2342, and 2343.

MICHAEL E. MARSHALL
Secretary of the Senate

SENATE BILLS APPROVED, ITEM VETOED, AND VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2012 Regular Session:

SENATE BILLS APPROVED

Senate File 466 – Relating to residential contractors and providing a penalty and including applicability provisions. Approved May 25, 2012.

Senate File 2237 – Relating to social and charitable gambling concerning allowable prizes at annual game nights conducted by religious organizations and concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling. Approved May 25, 2012.

Senate File 2283 – Relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable. Approved May 25, 2012.

Senate File 2284 – Relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools. Approved May 25, 2012.

Senate File 2313 – Relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including effective date and retroactive applicability provisions. Approved May 25, 2012.

Senate File 2315 – Relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions, revising related property tax levy provisions, and including effective date and applicability provisions. Approved May 25, 2012.

Senate File 2321 – Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions. Approved May 25, 2012.

Senate File 2342 – Relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sales and use tax provisions related to property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions. Approved May 25, 2012.

Senate File 2343 – Making changes to the controlled substance schedules, applying penalties, and including effective date provisions. Approved May 25, 2012.

GOVERNOR'S ITEM VETO MESSAGES

Senate File 2316

June 7, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 2316, an Act relating to and making appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, the Technology Reinvestment Fund, the Endowment for Iowa's Health Restricted Capitals Fund, and the Mortgage Servicing Settlement Fund, providing for related matters, and including effective date and retroactive applicability provisions.

Senate File 2316 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 9, lettered paragraph b, in its entirety. This item allows \$400,000 to be used for Iowa State University (ISU) College of Veterinary Medicine to modernize animal care facilities. The Board of Regents did not request this item and was not a part of the budget recommendation I submitted to the General Assembly.

I am unable to approve the item designated as Section 3, subsection 5, lettered paragraph a, in its entirety. This item requires the Iowa Communications Network (ICN) to conduct an audit and appraisal prior to any sale or lease of the ICN. An audit and appraisal is premature and unnecessary. If such an audit is needed in the future one could be conducted at that time.

I am unable to approve the items designated as Sections 24, 25 and 26 in their entirety. These items create a permanent \$3 million revenue diversion out of the General Fund completely circumventing the annual appropriation process. This does not work to advance my goals of returning predictability and sustainability back to government budgeting. The Housing Trust Fund's funding level will remain approximately the same as the previous fiscal year. It is my goal to eliminate this bad budgeting practice of automatic diversions from General Fund revenue.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2316 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

Senate File 2336

May 25, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 2336, an Act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions.

Senate File 2336 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am concerned that Senate File 2336 does not adequately fund the state share of Medicaid. The legislature was unable to reach an agreement on Medicaid so there has not been an adjustment to the Medicaid appropriation since the last legislative session. It is estimated that the Medicaid appropriation will fall \$30 to \$40 million short of the low-range projections. Sufficient funds will exist in the ending balance to cover any shortfall and the money has not been used for other purposes. Simply put, this is not a good budget practice and should not be continued in the future.

I am unable to approve the designated portion of the item designated as Section 3, subsection 2, lettered paragraph d. This item creates a redundant, overly burdensome

mandate requiring the Iowa Veterans' Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2013. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 7, amending 2011 Iowa Acts, chapter 129, section 119 inserting numbered paragraph 5. This item appropriates \$500,000 to the Food Bank of Iowa. This is a new appropriation. The effect of this disapproval shall cause the \$500,000 contained in this item to revert to the General Fund. I strongly support the Food Bank of Iowa and their important work to help needy Iowans. In fact, I started in the 1980's and annually lead a fund drive to help raise private donations for the Food Bank. I am proud of the generous contributions state of Iowa employees make to the Food Bank. I believe that private donations are the best way to support the Food Bank.

I am unable to approve the item designated as Section 11 in its entirety. This language sets a poor policy precedent because it limits savings that can be achieved in our Medicaid program. The Department of Human Services needs to have the flexibility to manage the Medicaid entitlement program and its cost to the taxpayers.

I am unable to approve the item designated as Section 16 in its entirety. The effect of this disapproval shall cause the \$37,000 contained in this item to revert to the General Fund. It is inappropriate to designate a special reimbursement method directed for one single provider. This issue should be dealt with through the Children's Disability Services workgroup. This group is working together so that unmet needs and reimbursement issues can be addressed as a whole, rather than for certain providers.

I am unable to approve the designated portion of the item designated as Section 29, amending 2011 Iowa Acts, chapter 129, section 138 inserting numbered paragraph 3. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2013 to 2014 for field operations. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting. Additionally, providing carry-forward language for the Department of Human Services before the fiscal year has begun and before it can be known if funds will exist to carry-forward is inappropriate.

I am unable to approve the designated portion of the item designated as Section 30 amending 2011 Iowa Acts, chapter 129, section 139 inserting numbered paragraph 9. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2013 to 2014 for general administration. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting. Additionally, providing carry-forward language for the Department of Human Services before the fiscal year has begun and before it can be known if funds will exist to carry-forward is inappropriate.

I am unable to approve the designated portion of the item designated as Section 50, paragraph 3. The effect of this disapproval shall cause the disapproved funds to not be appropriated and the terms of the federal funding shall control disbursement. This item appropriates funds for a child welfare resources fund to pay for infrastructure, supplies, and equipment for private child welfare providers. The Department of Human Services has emphasized the value and effectiveness of care in home and community-based settings over institutions. Psychiatric Medical Institutions for Children already

have the ability to be reimbursed by Medicaid for the costs of infrastructure, supplies and equipment.

I am unable to approve the item designated as Section 73 in its entirety. The effect of this disapproval shall cause the disapproved funds to revert to the community housing revolving loan program. This item diverts critically important funds away from cost effective community-based care. Instead it uses the one-time funds for building or rehabilitation of institutions. Due to scarce state resources, care of children in home and community-based settings must have funding priority.

I am unable to approve the item designated as Section 75 in its entirety. This item creates carry forward language which is unnecessary for the Department of Human Services from fiscal year 2012 to 2013 for the family investment program. This carry-forward language is not needed for this program.

The DHS carry-forward for state supplementary assistance found in Section 78 is not consistent with best budget practices. It is inappropriate, but unfortunately necessary due to federal maintenance of effort requirements. We must return predictability and sustainability back to government budgeting. It is my goal that in next year's biennial budget, the legislature will forgo the use of any carry-forward language for general fund dollars.

The DHS carry-forwards for facilities, field operations and general administration found in Sections 79-83 and 85 are not consistent with best budget practices. They are inappropriate, but unfortunately necessary due to underfunding. We must return predictability and sustainability back to government budgeting. It is my goal that in next year's biennial budget, the legislature will forgo the use of any carry-forward language for general fund dollars.

I am unable to approve the item designated as Section 84 in its entirety. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2012 to 2013 for child protection system improvements because the carry-forward for general administration makes this carry-forward unnecessary.

I am unable to approve the item designated as Section 92 in its entirety. This language creates a grant program to provide housing or infrastructure funds for organizations which provide the Psychiatric Medical Institution for Children (PMIC) level of care. It is no longer needed due to the disapproval of Section 73 which would have funded the grant program.

I am unable to approve the item designated as Section 100 in its entirety. Given current uncertainty about what charges may be billed as costs of special education instructional programs, it is expected that all impacted entities will continue existing billing practices through June 30, 2013. Clarification of allowable costs is anticipated by the fiscal year that begins July 1, 2014. The goal is to provide stability and predictability, assuring a high level of educational services and a fair playing field for use of funding for all involved.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2336 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGE

Senate File 2338

May 25, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

Senate File 2338, an Act relating to government operations and efficiency and other related matters and including effective date and applicability provisions, is hereby disapproved and transmitted to you in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

Senate File 2338 is hereby disapproved on this date.

I am unable to approve Senate File 2338 for the following reasons:

This legislation purports to make government more efficient; however, the minor changes proposed are not significant. As Governor, I am committed to working with the legislature to restore good budget practices and increase the accountability and efficiency of our state government. Senate File 2338 fails to adequately further these goals and commitments.

The majority of the purported savings is from the Medication Therapy Management (MTM) program. Although I believe the State must find ways to reduce the cost of health care for employees, MTM could end up costing taxpayers more than the program would save. Further, employee benefits should be properly bargained rather than codified into law through legislation. Moreover, the legislature uses onetime money to pay for this ongoing expense. This budget practice must stop in order to achieve my goal of restoring predictability and stability to government budgeting practices.

Additionally, this bill proposes MTM in an inefficient manner, through code, rather than a Request for Proposal (RFP) through the state's medical plan. The most efficient application of MTM would be a program implemented by the Department of Administrative Services (DAS) through a competitive RFP process with strong integration with the programs offered by the State's Pharmacy Benefits Manager and the Administrator of the State's Medical Plan.

At my direction, many of the proposed efficiencies in this bill are already being implemented by the executive branch departments. I have asked state agencies to work diligently to reduce administrative costs such as minimizing printing and paper, reducing energy costs, minimizing administrative overhead, and reducing work space.

My administration is committed to reducing the size and cost of government by 15% through efficiencies and new technologies that allow for savings. I desire to work with the legislature and conduct a comprehensive review of all boards and commissions to eliminate any that are unnecessary and combine any that are duplicative. This comprehensive review of boards and commissions would result in significant savings to Iowa taxpayers.

For the above reasons, I respectfully disapprove of Senate File 2338, in its entirety, in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

TERRY E. BRANSTAD
Governor

AMENDMENTS FILED
EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION

S-5001

1 Amend Senate File 2018 as follows:
2 1. Page 1, after line 31 by inserting:
3 <Section 1. 2011 Iowa Acts, chapter 131, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 2A. It is the intent of the
6 general assembly that the moneys appropriated in this
7 section are for a recognized public good but are
8 appropriated for a private purpose. In accordance with
9 Article III, section 31, of the Constitution of the
10 State of Iowa, the appropriation in this section shall
11 not be expended unless this 2012 Iowa Act is approved
12 by at least two-thirds of the elected members in both
13 the senate and the house of representatives.>
14 2. By renumbering as necessary.

MARK CHELGREN

S-5002

1 Amend Senate File 2007 as follows:
2 1. Page 1, by striking line 7 and inserting:
3 <4,186,233
4 Sec. _____. 2011 Iowa Acts, chapter 134, section 11,
5 subsection 2, is amended to read as follows:
6 2. For the fees of court-appointed attorneys for
7 indigent adults and juveniles, in accordance with
8 section 232.141 and chapter 815:
9 \$ 30,680,929
10 29,680,929
11 Sec. _____. BOARD OF EDUCATIONAL EXAMINERS
12 LICENSING FEES — TRANSFER TO COLLEGE STUDENT AID
13 COMMISSION. Notwithstanding section 272.10, subsection
14 2, in addition to the percentage of licensing fees
15 required to be deposited with the treasurer of state
16 and credited to the general fund of the state pursuant
17 to section 272.10, subsection 2, the executive director
18 of the board of educational examiners shall, at or
19 before the close of the fiscal year beginning July 1,
20 2011, transfer the amount of \$300,000 to the college
21 student aid commission to be used to supplement,
22 not supplant, moneys appropriated in 2011 Iowa Acts,
23 chapter 132, section 2, subsection 4, for purposes of
24 national guard educational assistance under the program
25 established pursuant to section 261.86.>
26 2. Title page, line 1, by striking <an

27 appropriation> and inserting <and transferring
 28 appropriations>
 29 3. By renumbering as necessary.

BILL DIX

S-5003

1 Amend Senate File 2018 as follows:
 2 1. Page 1, after line 31 by inserting:
 3 <Sec. ____ REPEAL. 2011 Iowa Acts, chapter 127,
 4 section 31, is repealed.>
 5 2. Title page, by striking lines 1 and 2 and
 6 inserting <An Act relating to functions of certain
 7 state agencies, making appropriations, and including>
 8 3. By renumbering as necessary.

JOHN P. KIBBIE

S-5004

1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 717A.1, Code 2011, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 2A. "Agricultural production
 8 facility" means an animal facility as defined in
 9 subsection 4, paragraph "a", or a crop operation
 10 property.
 11 Sec. 2. NEW SECTION. 717A.3A Agricultural
 12 production facility fraud.
 13 1. A person is guilty of agricultural production
 14 facility fraud if the person willfully does any of the
 15 following:
 16 a. Obtains access to an agricultural production
 17 facility by false pretenses.
 18 b. Makes a false statement or representation as
 19 part of an application or agreement to be employed
 20 at an agricultural production facility, if the
 21 person knows the statement to be false, and makes
 22 the statement with an intent to commit an act not
 23 authorized by the owner of the agricultural production
 24 facility, knowing that the act is not authorized.
 25 2. A person who commits agricultural production
 26 facility fraud under subsection 1 is guilty of the
 27 following:
 28 a. For the first conviction, a serious misdemeanor.
 29 b. For a second or subsequent conviction, an
 30 aggravated misdemeanor.
 31 3. a. A person who conspires to commit
 32 agricultural production facility fraud under subsection

33 1 is subject to the provisions of chapter 706. A
 34 person who aids and abets in the commission of
 35 agricultural production facility fraud under subsection
 36 1 is subject to the provisions of chapter 703. When
 37 two or more persons, acting in concert, knowingly
 38 participate in committing agricultural production
 39 facility fraud under subsection 1, each person is
 40 responsible for the acts of the other person as
 41 provided in section 703.2. A person who has knowledge
 42 that agricultural production facility fraud under
 43 subsection 1 has been committed and that a certain
 44 person committed it, and who does not stand in the
 45 relation of husband or wife to the person committing
 46 the agricultural production facility fraud under
 47 subsection 1, and who harbors, aids, or conceals
 48 the person committing the agricultural production
 49 facility fraud under subsection 1, with the intent to
 50 prevent the apprehension of the person committing the

Page 2

1 agricultural production facility fraud under subsection
 2 1, is subject to section 703.3.
 3 b. A trial information or an indictment relating to
 4 agricultural production facility fraud under subsection
 5 1 need not contain allegations of vicarious liability
 6 as provided in chapter 703.
 7 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 8 deemed of immediate importance, takes effect upon
 9 enactment.>
 10 2. Title page, line 1, by striking <offenses> and
 11 inserting <an offense>
 12 3. Title page, line 2, by striking <penalties and
 13 remedies> and inserting <penalties, and including
 14 effective date provisions>

JOE M. SENG
 TIM L. KAPUCIAN

S-5005

1 Amend Senate File 2071 as follows:
 2 1. Page 1, line 2, by striking <APPROPRIATIONS>
 3 and inserting <SUPPLEMENTAL APPROPRIATIONS AND OTHER
 4 APPROPRIATION REDUCTIONS AND TRANSFERS>
 5 2. Page 1, after line 2 by inserting:
 6 <HUMAN SERVICES APPROPRIATION REDUCTION — FAMILY
 7 INVESTMENT PROGRAM
 8 Sec. ____. 2011 Iowa Acts, chapter 129, section 7,
 9 unnumbered paragraph 2, is amended to read as follows:
 10 To be credited to the family investment program
 11 (FIP) account and used for family investment program
 12 assistance under chapter 239B:

13 \$ 50,171,027
14 48,271,027
15 HUMAN SERVICES APPROPRIATION REDUCTION — STATE
16 SUPPLEMENTARY ASSISTANCE
17 Sec. __. 2011 Iowa Acts, chapter 129, section 11,
18 subsection 1, unnumbered paragraph 2, is amended to
19 read as follows:
20 For the state supplementary assistance program:
21 \$ 16,850,747
22 15,450,747
23 HUMAN SERVICES APPROPRIATION REDUCTION — CHILDREN'S
24 HEALTH INSURANCE PROGRAM
25 Sec. __. 2011 Iowa Acts, chapter 129, section 12,
26 subsection 1, unnumbered paragraph 2, is amended to
27 read as follows:
28 For maintenance of the healthy and well kids in Iowa
29 (hawk-i) program pursuant to chapter 514I, including
30 supplemental dental services, for receipt of federal
31 financial participation under Tit. XXI of the federal
32 Social Security Act, which creates the children's
33 health insurance program:
34 \$ 32,806,102
35 31,106,102
36 HUMAN SERVICES APPROPRIATION REDUCTION — STATE MENTAL
37 HEALTH INSTITUTE AT CHEROKEE
38 Sec. __. 2011 Iowa Acts, chapter 129, section 20,
39 subsection 1, is amended to read as follows:
40 1. For the state mental health institute at
41 Cherokee for salaries, support, maintenance, and
42 miscellaneous purposes, and for not more than the
43 following full-time equivalent positions:
44 \$ 5,877,308
45 5,477,308
46 FTEs 168.50
47 BOARD OF EDUCATIONAL EXAMINERS — DEPOSIT TO GENERAL
48 FUND
49 Sec. __. 2011 Iowa Acts, chapter 132, is amended
50 by adding the following new section:

Page 2

1 NEW SECTION. SEC. 5A. BOARD OF EDUCATIONAL
2 EXAMINERS LICENSING FEES — DEPOSIT TO GENERAL
3 FUND. Notwithstanding section 272.10, subsection 2, in
4 addition to the percentage of licensing fees required
5 to be deposited with the treasurer of state and
6 credited to the general fund of the state pursuant to
7 section 272.10, subsection 2, the executive director of
8 the board of educational examiners shall, at or before
9 the close of the fiscal year beginning July 1, 2011,
10 also deposit \$98,643 of the fees with the treasurer of
11 state which shall be credited to the general fund of

12 the state.

13 DEPARTMENT OF CORRECTIONS SUPPLEMENTAL APPROPRIATIONS>

14 3. Page 2, by striking lines 6 and 7 and inserting:

15 <..... \$ 9,316,466>

16 4. Page 2, by striking lines 11 and 12 and

17 inserting:

18 <..... \$ 24,482,356>

19 5. Page 2, by striking lines 21 and 22 and

20 inserting:

21 <..... \$ 15,615,374>

22 6. Page 2, by striking lines 26 and 27 and

23 inserting:

24 <..... \$ 29,062,235>

25 7. Page 3, by striking lines 34 and 35 and

26 inserting:

27 <..... \$ 10,336,948>

28 8. Page 4, by striking lines 7 and 8 and inserting:

29 <..... \$ 5,391,355>

30 9. Page 4, by striking lines 12 and 13 and

31 inserting:

32 <..... \$ 18,742,129>

33 10. Page 4, after line 25 by inserting:

34 <INDIGENT DEFENSE APPROPRIATION REDUCTION

35 Sec. ___. 2011 Iowa Acts, chapter 134, section 11,

36 subsection 2, is amended to read as follows:

37 2. For the fees of court-appointed attorneys for

38 indigent adults and juveniles, in accordance with

39 section 232.141 and chapter 815:

40 \$ ~~30,680,929~~

41 29,680,929

42 11. By renumbering as necessary.

BILL DIX

S-5006

1 Amend Senate File 2024 as follows:

2 1. Page 1, before line 9 by inserting:

3 <Sec. ___. Section 260C.18A, subsection 1, Code

4 Supplement 2011, is amended by adding the following new

5 paragraph:

6 NEW PARAGRAPH. c. There is appropriated from the

7 general fund of the state to the workforce training and

8 economic development funds for each fiscal year until

9 the close of the fiscal year that begins July 1, 2014,

10 the sum of twelve million dollars.

11 Sec. ___. Section 260C.18A, subsection 2, Code

12 Supplement 2011, is amended by adding the following new

13 paragraph:

14 NEW PARAGRAPH. j. Development and implementation

15 of the national career readiness certificate and the

16 skills certification system endorsed by the national

- 17 association of manufacturers.>
 18 2. Page 1, line 23, by striking <2016> and
 19 inserting <2014>
 20 3. Page 1, line 31, by striking <2016> and
 21 inserting <2014>
 22 4. Page 2, line 3, by striking
 23 <vocational-technical> and inserting <career-technical>
 24 5. Page 2, line 8, by striking
 25 <vocational-technical> and inserting <career-technical>
 26 6. Page 2, line 16, by striking
 27 <vocational-technical> and inserting <career-technical>
 28 7. Page 2, line 21, by striking
 29 <vocational-technical> and inserting <career-technical>
 30 8. Page 2, line 22, by striking
 31 <vocational-technical> and inserting <career-technical>
 32 9. Page 2, line 26, by striking
 33 <vocational-technical> and inserting <career-technical>
 34 10. Page 3, line 17, by striking
 35 <vocational-technical> and inserting <career-technical>
 36 11. Page 3, line 32, by striking
 37 <vocational-technical> and inserting <career-technical>
 38 12. Page 4, line 9, by striking
 39 <vocational-technical> and inserting <career-technical>
 40 13. Page 4, line 25, by striking <2016> and
 41 inserting <2014>
 42 14. Page 4, line 26, by striking <eighteen> and
 43 inserting <six>
 44 15. Page 4, line 32, by striking <2016> and
 45 inserting <2014>
 46 16. By renumbering as necessary.

COMMITTEE ON EDUCATION
 HERMAN C. QUIRMBACH, Chair

S-5007

- 1 Amend Senate File 2097 as follows:
 2 1. Page 2, by striking lines 29 through 35 and
 3 inserting:
 4 <NEW SUBSECTION. 7A. "National guard duty" means
 5 training or other duty authorized and performed under
 6 the provisions of 32 U.S.C. including but not limited
 7 to 32 U.S.C. § 316, 32 U.S.C. §§ 502 – 505, and 32
 8 U.S.C. § 709 as part of the national guard and paid for
 9 with federal funds. "National guard duty" includes but
 10 is not limited to full-time national guard duty and
 11 inactive duty training and annual training.>
 12 2. By renumbering as necessary.

AMANDA RAGAN

S-5008

- 1 Amend Senate File 2111 as follows:
- 2 1. By striking page 2, line 24, through page 3,
- 3 line 7, and inserting:
- 4 <NEW SUBSECTION. 4A. "Homicide victim survivor"
- 5 means any of the following:
- 6 a. A homicide victim's spouse, parent, child,
- 7 grandparent, aunt, uncle, sibling, grandchild, first
- 8 cousin, fiance, legal custodian, legal ward, legal
- 9 guardian, step-parent, step-child, step-sibling, foster
- 10 child, foster parent, foster sibling, brother-in-law,
- 11 sister-in-law, mother-in-law, father-in-law,
- 12 daughter-in-law, or son-in-law.
- 13 b. A former intimate partner of a homicide victim
- 14 who has legal guardianship of the victim's children.
- 15 c. A person cohabiting with a homicide victim at
- 16 the time of the crime.>
- 17 2. By renumbering as necessary.

JACK WHITVER

S-5009

- 1 Amend Senate File 2127 as follows:
- 2 1. Page 9, line 22, before <professional> by
- 3 inserting <licensed>

STEVE KETTERING

S-5010

- 1 Amend House File 524, as passed by the House, as
- 2 follows:
- 3 1. By striking page 1, line 22, through page 4,
- 4 line 1, and inserting:
- 5 <Sec. ____ Section 441.16, Code Supplement 2011, is
- 6 amended to read as follows:
- 7 441.16 Budget.
- 8 1. All expenditures under this chapter shall be
- 9 paid as ~~hereinafter~~ provided in this section.
- 10 2. a. Not later than January 1 of each year the
- 11 assessor, the examining board, and the board of review
- 12 shall each prepare a proposed budget of all expenses
- 13 for the ensuing fiscal year. The assessor shall
- 14 include in the proposed budget the probable expenses
- 15 for defending assessment appeals. Said budgets shall
- 16 be combined by the assessor and copies ~~thereof of the~~
- 17 budgets forthwith filed by the assessor in triplicate
- 18 with the chairperson of the conference board.
- 19 ~~3.~~ b. The combined budgets shall contain an
- 20 itemized list of the proposed salaries of the assessor

21 and each deputy, the amount required for field
 22 personnel and other personnel, their number and their
 23 compensation; the estimated amount needed for expenses,
 24 printing, mileage, and other expenses necessary to
 25 operate the assessor's office, the estimated expenses
 26 of the examining board, and the salaries and expenses
 27 of the local board of review.

28 ~~4.~~ 3. a. Each fiscal year the chairperson of
 29 the conference board shall, by written notice, call
 30 a meeting of the conference board to consider the
 31 proposed budget and to comply with section 24.9.

32 ~~5. b.~~ At such meeting the conference board shall
 33 authorize:

34 ~~a. (1)~~ The number of deputies, field personnel,
 35 and other personnel of the assessor's office.

36 ~~b. (2)~~ The salaries and compensation of members of
 37 the board of review, the assessor, chief deputy, other
 38 deputies, field personnel, and other personnel, and
 39 determine the time and manner of payment.

40 ~~c. (3)~~ The miscellaneous expenses of the
 41 assessor's office, the board of review, and the
 42 examining board, including office equipment, records,
 43 supplies, and other required items.

44 ~~d. (4)~~ The estimated expense of assessment
 45 appeals. All such expense items shall be included in
 46 the budget adopted for the ensuing year.

47 ~~6. 4.~~ All tax levies and expenditures provided for
 48 herein shall be subject to the provisions of chapter
 49 24 and the conference board is hereby declared to be
 50 the certifying board.

Page 2

1 ~~7. 5. a.~~ Any tax for the maintenance of the
 2 office of assessor and other assessment procedure
 3 shall be levied only upon the property in the area
 4 assessed by ~~said the~~ assessor, and such tax levy
 5 shall not exceed ~~forty and one half sixty-seven~~
 6 ~~and one-half~~ cents per thousand dollars of assessed
 7 value in ~~the~~ assessing areas where the valuation upon
 8 ~~which the tax is levied does not exceed ninety two~~
 9 ~~million, six hundred thousand dollars; thirty three and~~
 10 ~~three fourths cents per thousand dollars of assessed~~
 11 ~~value in assessing areas where the valuation upon~~
 12 ~~which the tax is levied exceeds ninety two million,~~
 13 ~~six hundred thousand dollars and does not exceed one~~
 14 ~~hundred eleven million, one hundred twenty thousand~~
 15 ~~dollars; twenty seven cents per thousand dollars of~~
 16 ~~assessed value in assessing areas where the valuation~~
 17 ~~upon which the tax is levied exceeds one hundred eleven~~
 18 ~~million, one hundred twenty thousand dollars area.~~
 19 The county treasurer shall credit the sums received

20 from such levy to a separate fund to be known as the
 21 ~~“assessment expense fund”~~ assessment expense fund
 22 and from which fund all expenses incurred under this
 23 chapter shall be paid. In the case of a county where
 24 there is more than one assessor the treasurer shall
 25 maintain separate assessment expense funds for each
 26 assessor.

27 ~~§. b.~~ The county auditor shall keep a complete
 28 record of said funds and shall issue warrants thereon
 29 only on requisition of the assessor.

30 ~~¶. 6.~~ The assessor shall not issue requisitions
 31 so as to increase the total expenditures budgeted for
 32 the operation of the assessor’s office. However,
 33 for purposes of promoting operational efficiency,
 34 the assessor shall have authority to transfer funds
 35 budgeted for specific items for the operation of
 36 the assessor’s office from one unexpended balance
 37 to another; such transfer shall not be made so as to
 38 increase the total amount budgeted for the operation of
 39 the office of assessor, and no funds shall be used to
 40 increase the salary of the assessor or the salaries of
 41 permanent deputy assessors. The assessor shall issue
 42 requisitions for the examining board and for the board
 43 of review on order of the chairperson of each board and
 44 for costs and expenses incident to assessment appeals,
 45 only on order of the city legal department, in the case
 46 of cities and of the county attorney in the case of
 47 counties.

48 ~~¶. 7.~~ Unexpended funds remaining in the
 49 assessment expense fund at the end of a year shall be
 50 carried forward into the next year.>

Page 3

- 1 2. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
 MARY JO WILHELM, Chair

S-5011

- 1 Amend Senate File 2120 as follows:
- 2 1. Page 2, by striking lines 28 through 35 and
- 3 inserting <course of therapy. A licensed optometrist
- 4 may perform minor surgical procedures and use
- 5 medications for the diagnosis and treatment of
- 6 diseases, disorders, and conditions of the eye and
- 7 adnexa. A license to practice optometry under this
- 8 chapter does not authorize the performance of surgical
- 9 procedures which require the use of injectable or
- 10 general anesthesia, moderate sedation, penetration
- 11 of the globe, or the use of ophthalmic lasers for

12 the purpose of ophthalmic surgery within or upon the
 13 globe. The removal of pterygia and Salzmann's nodules,
 14 incisional corneal refractive surgery, and strabismus
 15 surgery are prohibited.>

JEFF DANIELSON

S-5012

1 Amend Senate File 2161 as follows:
 2 1. Page 1, by striking lines 3 through 8 and
 3 inserting:
 4 <1. a. The taxes imposed under this division
 5 less the credits allowed under section 422.12 shall
 6 be reduced by an earned income credit equal to ~~seven~~
 7 ~~percent~~ the following percentage of the federal earned
 8 income credit provided in section 32 of the Internal
 9 Revenue Code;
 10 (1) For tax years beginning on or after January 1,
 11 2012, and before December 31, 2012, thirteen percent.
 12 (2) For tax years beginning on or after January 1,
 13 2013, and before December 31, 2013, fifteen percent.
 14 (3) For tax years beginning on or after January 1,
 15 2014, twenty percent.
 16 b. Any credit in excess of the tax liability is
 17 refundable.>

JOE BOLKCOM

S-5013

1 Amend Senate File 2024 as follows:
 2 1. Page 1, after line 8 by inserting:
 3 <Sec. ___. Section 260C.18A, subsection 1, Code
 4 Supplement 2011, is amended by adding the following new
 5 paragraph:
 6 NEW PARAGRAPH. c. There is appropriated from the
 7 general fund of the state to the workforce training and
 8 economic development funds, the following amounts:
 9 (1) For the fiscal year beginning July 1, 2012,
 10 and ending June 30, 2013, the sum of twelve million
 11 dollars.
 12 (2) For the fiscal year beginning July 1, 2013,
 13 and ending June 30, 2014, the sum of twelve million
 14 dollars.
 15 (3) For the fiscal year beginning July 1, 2014,
 16 and ending June 30, 2015, the sum of twelve million
 17 dollars.
 18 Sec. ___. Section 260C.18A, subsection 2, Code
 19 Supplement 2011, is amended by adding the following new
 20 paragraph:
 21 NEW PARAGRAPH. j. Development and implementation

22 of the national career readiness certificate and the
 23 skills certification system endorsed by the national
 24 association of manufacturers.>

25 2. Page 1, by striking lines 18 through 33 and
 26 inserting:

27 <2. a. There is established for the community
 28 colleges a gap tuition assistance fund in the state
 29 treasury to be administered by the department of
 30 education. The funds in the gap tuition assistance
 31 fund are appropriated to the department of education
 32 for the gap tuition assistance program.

33 b. There is appropriated from the general fund
 34 of the state to the gap tuition assistance fund, the
 35 following amounts:

36 (1) For the fiscal year beginning July 1, 2012, and
 37 ending June 30, 2013, the sum of two million dollars.

38 (2) For the fiscal year beginning July 1, 2013, and
 39 ending June 30, 2014, the sum of two million dollars.

40 (3) For the fiscal year beginning July 1, 2014, and
 41 ending June 30, 2015, the sum of two million dollars.

42 c. The aggregate total of grants awarded from the
 43 gap tuition assistance fund during a fiscal year shall
 44 not be more than two million dollars.>

45 3. Page 2, line 3, by striking
 46 <vocational-technical> and inserting <career-technical>

47 4. Page 2, line 8, by striking
 48 <vocational-technical> and inserting <career-technical>

49 5. Page 2, line 16, by striking
 50 <vocational-technical> and inserting <career-technical>

Page 2

1 6. Page 2, line 21, by striking
 2 <vocational-technical> and inserting <career-technical>

3 7. Page 2, line 22, by striking
 4 <vocational-technical> and inserting <career-technical>

5 8. Page 2, line 26, by striking
 6 <vocational-technical> and inserting <career-technical>

7 9. Page 3, line 17, by striking
 8 <vocational-technical> and inserting <career-technical>

9 10. Page 3, line 32, by striking
 10 <vocational-technical> and inserting <career-technical>

11 11. Page 4, line 9, by striking
 12 <vocational-technical> and inserting <career-technical>

13 12. Page 4, by striking lines 23 through 32 and
 14 inserting:

15 <10. a. There is appropriated from the general
 16 fund of the state to the commission for the skilled
 17 workforce shortage tuition grant program, the following
 18 amounts:

19 (1) For the fiscal year beginning July 1, 2012, and
 20 ending June 30, 2013, the sum of six million dollars.

21 (2) For the fiscal year beginning July 1, 2013, and
22 ending June 30, 2014, the sum of six million dollars.

23 (3) For the fiscal year beginning July 1, 2014, and
24 ending June 30, 2015, the sum of six million dollars.

25 b. Notwithstanding section 8.33, moneys
26 appropriated in this subsection that remain
27 unencumbered or unobligated at the close of the fiscal
28 year shall not revert but shall remain available for
29 expenditure for the purposes designated until the close
30 of the fiscal year that begins July 1, 2014.>

31 13. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, Chair

S-5014

1 Amend Senate File 2125 as follows:

2 1. Page 1, line 11, by striking <order> and
3 inserting <orders>

4 2. Page 1, line 18, by striking <order> and
5 inserting <orders>

6 3. Page 2, line 21, by striking <order> and
7 inserting <orders>

8 4. Page 4, line 27, after <liability> by inserting
9 <or professional disciplinary action>

AMANDA RAGAN

S-5015

HOUSE AMENDMENT TO
SENATE FILE 2071

1 Amend Senate File 2071, as passed by the Senate, as
2 follows:

3 <1. Page 1, after line 2 by inserting:
4 <MEDICAID APPROPRIATION REDUCTION

5 Section 1. 2011 Iowa Acts, chapter 129, section 10,
6 unnumbered paragraph 2, is amended to read as follows:

7 For medical assistance program reimbursement and
8 associated costs as specifically provided in the
9 reimbursement methodologies in effect on June 30,
10 2011, except as otherwise expressly authorized by
11 law, and consistent with options under federal law and
12 regulations:

13 \$ ~~900,003,421~~
14 903,493,421>>

15 2. Page 2, by striking lines 6 and 7 and inserting:

16 <..... \$ 9,316,466>

17 3. Page 2, by striking lines 11 and 12 and
18 inserting:

19	<.....	\$	24,482,356>
20	4. Page 2, by striking lines 21 and 22 and		
21	inserting:		
22	<.....	\$	15,615,374>
23	5. Page 2, by striking lines 26 and 27 and		
24	inserting:		
25	<.....	\$	29,062,235>
26	6. Page 3, by striking lines 34 and 35 and		
27	inserting:		
28	<.....	\$	10,336,948>
29	7. Page 4, by striking lines 7 and 8 and inserting:		
30	<.....	\$	5,391,355>
31	8. Page 4, by striking lines 12 and 13 and		
32	inserting:		
33	<.....	\$	18,742,129>
34	9. Page 5, by striking lines 20 through 26 and		
35	inserting:		
36	<b. In addition, a county may apply for assistance		
37	to cover the nonfederal share of medical assistance		
38	waiver costs chargeable to the county for the fiscal		
39	year of individuals who became eligible for the medical		
40	assistance program home and community-based waiver for		
41	persons with an intellectual disability on or after		
42	October 1, 2011.>		
43	10. By striking page 5, line 27, through page 6,		
44	line 2.		
45	11. Page 7, by striking lines 11 and 12 and		
46	inserting <individuals who became eligible for the		
47	medical assistance program home and community-based		
48	waiver for persons with an intellectual disability on		
49	or after October 1, 2011, as described in subsection 3,		
50	paragraph “c”.>		

Page 2

- 1 12. Page 7, by striking lines 13 through 17.
- 2 13. By renumbering as necessary.

S-5016

- 1 Amend Senate File 2203 as follows:
- 2 1. Page 1, line 14, by striking <is> and inserting
- 3 <is are>
- 4 2. Page 40, line 5, by striking <corporation,> and
- 5 inserting <corporation>
- 6 3. Page 120, line 21, by striking <249.12, and
- 7 321.6> and inserting <and 249.12>

S-5017

- 1 Amend Senate File 2113 as follows:
 2 1. Page 1, line 15, after <section.> by inserting
 3 <This section is not applicable to a blind or stand
 4 for hunting deer that is erected or constructed by a
 5 landowner on the landowner's property.>

BRIAN SCHOENJAHN

S-5018

- 1 Amend the House amendment, S-5015, to Senate File
 2 2071, as passed by the Senate, as follows:
 3 1. Page 1, after line 3 by inserting:
 4 <UTILITY EXPENDITURES — APPROPRIATION REDUCTIONS
 5 Sec. ____ STATE AGENCY UTILITY EXPENDITURES.
 6 1. For the purposes of this section, "department"
 7 or "agency" does not include a state department or
 8 agency receiving a supplemental appropriation for
 9 the fiscal year beginning July 1, 2011, pursuant to
 10 an enactment by the Eighty-fourth General Assembly,
 11 2012 session, the state board of regents and the
 12 institutions under the control of the state board, or
 13 the judicial branch.
 14 2. a. For the time period beginning on the
 15 effective date of this section through June 30, 2012,
 16 each state department and agency shall be subject to a
 17 limitation on expenditures for utilities made by the
 18 department or agency on or after the effective date of
 19 this section.
 20 b. The overall dollar amount of the limitation
 21 shall be equal to \$1,000,000 and shall be applied to
 22 the unexpended or unencumbered amount that a department
 23 or agency has budgeted or otherwise designated for
 24 purposes of utilities from the appropriations made to
 25 the department or agency from the general fund of the
 26 state for the fiscal year beginning July 1, 2011, and
 27 ending June 30, 2012, as of the effective date of this
 28 section.
 29 3. The appropriations to which the expenditure
 30 limitation required by this section are attributed
 31 shall be reduced in proportion to which a department or
 32 agency budget for utilities bears to the overall amount
 33 budgeted by the affected departments and agencies for
 34 utilities. Within 30 days of the enactment date of
 35 this section, the department of management shall apply
 36 such appropriation reductions and shall submit a report
 37 to the general assembly and legislative services agency
 38 itemizing the expenditure and appropriation reductions
 39 applied.>
 40 2. Page 1, by striking lines 15 through 33 and

41 inserting:
 42 <__. Page 2, line 7, by striking <9,490,461> and
 43 inserting <9,403,464>
 44 __. Page 2, line 12, by striking <24,857,130> and
 45 inserting <24,669,743>
 46 __. Page 2, line 22, by striking <16,049,305> and
 47 inserting <15,832,339>
 48 __. Page 2, line 27, by striking <29,456,158> and
 49 inserting <29,259,196>
 50 __. Page 3, line 35, by striking <10,598,654> and

Page 2

1 inserting <10,467,801>
 2 __. Page 4, line 8, by striking <5,442,351> and
 3 inserting <5,416,853>
 4 __. Page 4, line 13, by striking <19,052,804> and
 5 inserting <18,897,467>>
 6 3. Page 2, after line 1 by inserting:
 7 <__. Page 8, after line 3 by inserting:

8 <DIVISION __
 9 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
 10 DISABILITIES SERVICES PROPERTY TAX RELIEF AND SERVICE
 11 MANAGEMENT PLANS

12 Sec. __. PROPERTY TAX RELIEF — FY
 13 2012–2013. There is appropriated from the Iowa
 14 economic emergency fund to the department of human
 15 services for the fiscal year beginning July 1, 2011,
 16 and ending June 30, 2012, notwithstanding section
 17 8.55, subsection 1, the following amount, or so much
 18 thereof as is necessary, to be used for the purposes
 19 designated:

20 To be credited to the property tax relief fund
 21 to be used to restore the amount of the standing
 22 appropriation made from the general fund of the state
 23 in section 426B.1, subsection 1, for the fiscal year
 24 beginning July 1, 2012, in the amount of the reduction
 25 applied pursuant to 2011 Iowa Acts, chapter 129,
 26 section 154:
 27 \$ 7,200,089

28 Sec. __. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
 29 AND DEVELOPMENTAL DISABILITIES SERVICES MANAGEMENT PLAN
 30 — STRATEGIC PLAN. Notwithstanding section 331.439,
 31 subsection 1, paragraph “b”, subparagraph (3), counties
 32 are not required to submit a three-year strategic plan
 33 by April 1, 2012, to the department of human services.
 34 A county’s strategic plan in effect as of the effective
 35 date of this section shall remain in effect, subject
 36 to modification as necessary to conform with statutory
 37 changes affecting the plan.>>

38 4. By renumbering as necessary.

S-5019

- 1 Amend Senate File 2172 as follows:
- 2 1. Page 1, line 10, after <b.> by inserting <(1)>
- 3 2. Page 1, by striking line 12 and inserting <five
- 4 hundred or more animal units.>
- 5 3. Page 1, line 13, by striking <unit> and
- 6 inserting:
- 7 <(2) In calculating the animal unit>
- 8 4. Page 1, lines 13 and 14, by striking <this
- 9 paragraph> and inserting <subparagraph (1)>
- 10 5. Page 1, line 16, by striking <(1)> and inserting
- 11 <(a)>
- 12 6. Page 1, line 18, by striking <(2)> and inserting
- 13 <(b)>
- 14 7. Page 1, after line 19 by inserting:
- 15 <(3) The method of calculating animal units under
- 16 subparagraph (2) shall only be used for purposes of
- 17 determining whether a confinement feeding operation is
- 18 a qualified confinement feeding operation subject to
- 19 section 459.206.>

JOHN P. KIBBIE

S-5020

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 7, line 31, after <subsection 2> by
- 3 inserting <, and a certified copy of each ordinance
- 4 imposing a local option sales and services tax as
- 5 required under subsection 4A>
- 6 2. Page 9, after line 30 by inserting:
- 7 <4A. a. The board shall not approve a project
- 8 plan application for a governmental entity as defined
- 9 in section 418.1, subsection 4, paragraph “a”,
- 10 that includes financial assistance from the flood
- 11 mitigation fund or the use of sales tax revenue unless
- 12 the governmental entity is imposing a local option
- 13 sales and services tax in the unincorporated areas of
- 14 the county pursuant to chapter 423B on the date the
- 15 application is filed with the board and a portion of
- 16 such local option sales and services tax revenue is
- 17 designated for disaster rebuilding, flood control,
- 18 flood protection, and future flood prevention.
- 19 b. The board shall not approve a project plan
- 20 application for a governmental entity as defined
- 21 in section 418.1, subsection 4, paragraph “b”, that
- 22 includes financial assistance from the flood mitigation
- 23 fund or the use of sales tax revenue unless the
- 24 governmental entity is imposing a local option sales
- 25 and services tax in the city pursuant to chapter 423B
- 26 on the date the application is filed with the board and

27 a portion of such local option sales and services tax
 28 revenue is designated for disaster rebuilding, flood
 29 control, flood protection, and future flood prevention.
 30 c. The board shall not approve a project plan
 31 application for a governmental entity as defined
 32 in section 418.1, subsection 4, paragraph “c”, that
 33 includes financial assistance from the flood mitigation
 34 fund or the use of sales tax revenue unless each city
 35 participating in the chapter 28E agreement is imposing
 36 a local option sales and services tax in the city
 37 pursuant to chapter 423B on the date the application
 38 is filed with board and a portion of such local
 39 option sales and services tax revenue in each city
 40 is designated for disaster rebuilding, flood control,
 41 flood protection, and future flood prevention.>
 42 3. By renumbering, redesignating, and correcting
 43 internal references as necessary.

JOE BOLKCOM

S-5021

1 Amend Senate File 2058 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. NEW SECTION. 357A.11A Customer
 5 records.
 6 Notwithstanding section 22.2, subsection 1, public
 7 records of a district, which shall not be examined
 8 or copied as of right, include private customer
 9 information. Except as required pursuant to chapter
 10 476, “private customer information” includes information
 11 identifying a specific customer and any record of a
 12 customer account, including internet-based customer
 13 account information.
 14 Sec. 2. NEW SECTION. 388.9A Customer records.
 15 Notwithstanding section 22.2, subsection 1, public
 16 records of a city utility or combined utility system,
 17 or a city enterprise or combined city enterprise as
 18 defined in section 384.80, which shall not be examined
 19 or copied as of right, include private customer
 20 information. Except as required pursuant to chapter
 21 476, “private customer information” includes information
 22 identifying a specific customer and any record of a
 23 customer account, including internet-based customer
 24 account information.>
 25 2. Title page, by striking lines 1 and 2 and
 26 inserting <An Act relating to certain records of rural
 27 water districts, city utilities, and city enterprises.>

MATT McCOY

S-5022

1 Amend Senate File 2169 as follows:

2 1. Page 13, after line 27 by inserting:

3 <DIVISION V
4 TRAFFIC ENFORCEMENT

5 Sec. ____ Section 321.1, Code Supplement 2011, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 95. “Automated traffic law
8 enforcement system” means a device with one or more
9 sensors working in conjunction with one of the
10 following:

- 11 a. An official traffic-control signal, to produce
- 12 recorded images of motor vehicles entering an
- 13 intersection against a steady circular red light.
- 14 b. A speed measuring device, to produce recorded
- 15 images of motor vehicles traveling at a prohibited rate
- 16 of speed.
- 17 c. A railroad grade crossing signal light, as
- 18 described in section 321.342, to produce images of
- 19 vehicles violating the signal light.
- 20 d. Any official traffic-control device, if failure
- 21 to comply with the official traffic-control device
- 22 constitutes a violation under this chapter.

23 Sec. ____ NEW SECTION. 321.5A Automated traffic
24 law enforcement systems prohibited.

25 The department or a local authority shall not place
26 or cause to be placed on or adjacent to a highway, or
27 maintain or employ the use of, an automated traffic law
28 enforcement system for the enforcement of any provision
29 of this chapter or any local ordinance relating to
30 motor vehicles.

31 Sec. ____ REMOVAL OF AUTOMATED TRAFFIC LAW
32 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES

33 AND CITATIONS. On or before July 1, 2012, a local
34 authority using an automated traffic law enforcement
35 system shall discontinue using the system and remove
36 the system equipment. Effective July 1, 2012, all
37 local ordinances authorizing the use of an automated
38 traffic law enforcement system are void. However,
39 notices of violations mailed or citations issued
40 pursuant to such an ordinance prior to July 1, 2012,
41 shall not be invalidated by the enactment of this
42 division of this Act and shall be processed according
43 to the provisions of the law under which they were
44 authorized.

45 Sec. ____ EFFECTIVE UPON ENACTMENT. The section
46 of this division of this Act relating to the removal
47 of automated traffic law enforcement systems and the
48 validity of prior notices and citations, being deemed
49 of immediate importance, takes effect upon enactment.>

50 2. Title page, line 4, after <operators,> by

Page 2

- 1 inserting <traffic enforcement,>
 2 3. By renumbering as necessary.

BRAD ZAUN
 JONI ERNST
 KENT SORENSON
 NANCY J. BOETTGER
 ROBERT BACON
 PAT WARD
 MARK CHELGREN
 JACK WHITVER
 DAVID JOHNSON
 JAMES A. SEYMOUR
 RANDY FEENSTRA
 JAMES F. HAHN
 STEVE KETTERING
 PAUL MCKINLEY

S-5023

- 1 Amend Senate File 2219 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 11.6, subsection 1, paragraph
 4 a, Code Supplement 2011, is amended by adding the
 5 following new subparagraph:
 6 NEW SUBPARAGRAPH. (3) Biennially, and in
 7 conjunction with the audits of school districts
 8 required under this subsection, the auditor
 9 shall conduct a biennial review of the Iowa early
 10 intervention block grant program administered by the
 11 department of education. The review shall be conducted
 12 to determine whether the program has been appropriately
 13 administered and the department and school districts
 14 receiving program funds complied with relevant laws,
 15 rules, and guidelines. The auditor may seek from the
 16 department of management reimbursement for the cost
 17 of the audit from moneys provided to school districts
 18 pursuant to section 257.10, subsection 11. If the
 19 auditor applies to the department of management for
 20 reimbursement pursuant to this subparagraph, the
 21 department shall accordingly adjust the amount of aid
 22 made available pursuant to section 257.10, subsection
 23 11, in order to reimburse the auditor for the cost of
 24 the review conducted pursuant to this subparagraph.
 25 Sec. 2. Section 256D.3, subsection 3, Code 2011, is
 26 amended to read as follows:
 27 3. ~~Beginning January 15, 2006, the~~ The department
 28 of education shall submit an annual report by January
 29 15 to the chairpersons and ranking members of the
 30 senate and house education committees general assembly

31 that includes the statewide average school district
 32 class size in basic skills instruction in kindergarten
 33 through grade three, by grade level and by district
 34 size, and describes school district progress toward
 35 achieving early intervention block grant program goals
 36 and the ways in which school districts are using moneys
 37 received pursuant to ~~this chapter~~ section 257.10,
 38 subsection 11, and expended as provided in section
 39 256D.2A. The report shall include district-by-district
 40 information showing the allocation received for early
 41 intervention block grant program purposes, the total
 42 number of students enrolled in grade four in each
 43 district, and the number of students in each district
 44 who are not proficient in reading in grade four for
 45 the most recent reporting period, ~~as well as for~~
 46 ~~each reporting period starting with the school year~~
 47 ~~beginning July 1, 2001.~~
 48 Sec. 3. Section 256D.3, Code 2011, is amended by
 49 adding the following new subsection:
 50 NEW SUBSECTION. 4. The department of education,

Page 2

1 in consultation with the auditor of state and the
 2 legislative services agency, shall annually conduct
 3 a performance audit of the programs, instructional
 4 support, and materials provided by each school district
 5 from funds received pursuant to section 257.10,
 6 subsection 11. The purpose of a performance audit
 7 is to assess the performance of a school district in
 8 carrying out the purposes of this chapter, including
 9 the effectiveness of the programs, instructional
 10 support, and materials provided by the school district
 11 from funds received pursuant to section 257.10,
 12 subsection 11, based on the goals and requirements
 13 established under this chapter. The department may
 14 make recommendations to improve school district and
 15 program performance which may include modifying,
 16 streamlining, consolidating, expanding, redesigning, or
 17 eliminating such programs, instructional support, and
 18 materials. The department shall submit its findings
 19 and recommendations to the general assembly annually
 20 by January 15.>
 21 2. Title page, line 1, by striking <continuation of
 22 the>
 23 3. By renumbering as necessary.

SHAWN HAMERLINCK

S-5024

1 Amend House File 2168, as passed by the House, as
2 follows:

3 1. Page 2, after line 19 by inserting:

4 <Sec. ____ Section 12C.23A, subsection 3,
5 unnumbered paragraph 1, Code 2011, is amended to read
6 as follows:

7 If a bank is closed by its primary state or federal
8 regulator, including a bank that has accepted public
9 funds deposits under section 12B.10, subsection 7, each
10 public funds depositor with deposits in the bank shall
11 notify the treasurer of state of the amount of any
12 claim within thirty days of the closing. The treasurer
13 of state shall implement the following procedures:

14 Sec. ____ Section 12C.23A, subsection 3, paragraph
15 d, Code 2011, is amended to read as follows:

16 d. If the loss of public funds is not covered by
17 federal deposit insurance and the proceeds of the
18 closed bank's assets that are liquidated within thirty
19 days of the closing of the bank are not sufficient to
20 cover the loss, then any further payments to cover
21 the loss will come from the state sinking fund for
22 public deposits in banks. If the balance in that
23 sinking fund is inadequate to pay the entire loss,
24 then the treasurer shall obtain the additional amount
25 needed by making an assessment against other banks that
26 are organized under chapter 524, national banks with
27 offices in this state, and branches of out-of-state
28 banks located in this state whose public funds deposits
29 exceed federal deposit insurance coverage. A bank's
30 assessment shall be determined by multiplying the total
31 amount of the remaining loss to all public depositors
32 in the closed bank by a percentage that represents
33 the assessed bank's proportional share of the total
34 of uninsured public funds deposits held by all banks
35 and all branches of out-of-state banks, based upon the
36 average of the uninsured public funds of the assessed
37 bank or branch of an out-of-state bank as of the end of
38 the four calendar quarters prior to the date of closing
39 of the closed bank and the average of the uninsured
40 public funds in all banks and branches of out-of-state
41 banks as of the end of the four calendar quarters prior
42 to the date of closing of the closed bank, excluding
43 the amount of uninsured public funds held by the closed
44 bank at the end of the four calendar quarters. Each
45 bank shall pay its assessment to the treasurer of
46 state within three business days after it receives
47 notice of assessment. For purposes of this section,
48 when calculating uninsured public funds, a bank shall
49 include all deposits of customers of other financial
50 institutions as permitted by section 12B.10, subsection

Page 2

1 7.>

COMMITTEE ON COMMERCE
MATT McCOY, Chair

S-5025

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 10, after line 30 by inserting:
- 3 <Sec. ____ Section 321.105A, subsection 2,
- 4 paragraph c, Code 2011, is amended by adding the
- 5 following new subparagraph:
- 6 NEW SUBPARAGRAPH. (31) Vehicles subject to
- 7 registration which are held for sale by a motor vehicle
- 8 dealership in this state under a franchise agreement
- 9 with a motor vehicle manufacturer and are transferred
- 10 to another motor vehicle dealership owned by the
- 11 same person, persons, or entity, or by a different
- 12 entity that shares substantially the same ownership
- 13 interest, when the original dealership closes due to
- 14 the manufacturer’s discontinuance of the motor vehicle
- 15 brand and disposition of motor vehicles remaining in
- 16 the dealership’s inventory is the responsibility of the
- 17 franchisee.>
- 18 2. Page 13, after line 4 by inserting:
- 19 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
- 20 provision of this division of this Act, being deemed of
- 21 immediate importance, takes effect upon enactment and
- 22 applies retroactively to December 1, 2010, for vehicles
- 23 transferred on or after that date:
- 24 1. The section of this Act enacting section
- 25 321.105A, subsection 2, paragraph “c”, subparagraph
- 26 (31).>
- 27 3. By renumbering as necessary.

ROBERT BACON

S-5026

- 1 Amend Senate File 2153 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. NEW SECTION. 306D.5 Scenic byway
- 4 designation — limitation within cities.
- 5 Any portion of an interstate highway designated as a
- 6 scenic byway which is located within the incorporated
- 7 area of a city shall not be designated as part of
- 8 the scenic byway, except when such route within the
- 9 incorporated area possesses intrinsic scenic, historic,
- 10 recreational, cultural, or archeological features which
- 11 support designation of the route as a scenic byway, as

- 12 determined by the governing body of the city.>
13 2. Title page, line 1, before <increasing> by
14 inserting <relating to certain portions of interstate
15 highways located within cities and>
16 3. By renumbering as necessary.

RICK BERTRAND
BILL ANDERSON

S-5027

- 1 Amend Senate File 2113 as follows:
2 1. Page 1, after line 15 by inserting:
3 <Sec. ____ NEW SECTION. 483A.8D Special
4 nonresident landowner deer hunting licenses.
5 1. As used in this section:
6 a. "Family member" means a nonresident who is the
7 spouse or child of the owner.
8 b. "Farm unit" means all parcels of land which are
9 certified by the commission pursuant to rule as meeting
10 the following requirements:
11 (1) Are in tracts of eighty or more contiguous
12 acres.
13 (2) Are under the lawful control of the owner.
14 c. "Owner" means a nonresident who is the owner
15 of a farm unit for taxation purposes or is a majority
16 investor in the farm unit.
17 2. Notwithstanding section 483A.8, subsection
18 5, upon written application on forms furnished by
19 the department and payment of a fee of one thousand
20 dollars, the department shall issue annually two deer
21 hunting licenses, one antlered or any sex deer hunting
22 license and one antlerless deer only deer hunting
23 license, to the owner of a farm unit or to a family
24 member of the owner, but limited to a total of two
25 licenses for both.
26 3. In addition, if an owner of a farm unit or
27 a family member of the owner purchases deer hunting
28 licenses pursuant to subsection 2, that person may
29 purchase additional antlerless deer only deer hunting
30 licenses which are valid only for use on the farm unit
31 under the same conditions and for the same price as
32 resident owners and their family members.
33 4. The deer hunting licenses issued shall be valid
34 only for use on the farm unit for which the applicant
35 applies pursuant to this section.
36 5. A person who is issued a deer hunting license
37 pursuant to this section may transfer the license to
38 another person for use only on the farm unit for which
39 the license was issued.
40 6. If a farm unit has multiple owners, only one
41 owner and that owner's family members may apply for

42 licenses pursuant to this section.

43 7. The deer hunting licenses issued pursuant
44 to this section may be used during any deer hunting
45 season.

46 8. A person who is issued or to whom a deer hunting
47 license is transferred pursuant to this section shall
48 be otherwise qualified to hunt deer in this state, pay
49 the wildlife habitat fee, and pay the one dollar fee,
50 for the purpose of deer herd population management,

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1 including assisting with the cost of processing deer
2 donated to the help us stop hunger program administered
3 by the commission.

4 9. a. A deer hunting license issued pursuant to
5 this section shall be attested by the signature of the
6 person to whom the license is issued and shall contain
7 a statement in substantially the following form:
8 By signing this license I certify that I qualify
9 as an owner or family member under Iowa Code section
10 483A.8D.

11 b. A person who makes a false attestation under
12 this subsection is guilty of a simple misdemeanor.
13 In addition, the person's deer hunting license shall
14 be revoked and the person shall not be issued a deer
15 hunting license for a period of one year.>

16 2. Title page, by striking lines 1 and 2 and
17 inserting <An Act relating to deer hunting and making
18 penalties applicable.>

19 3. By renumbering as necessary.

MARK CHELGREN

S-5028

1 Amend Senate File 2226 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting
3 <to Iowans. The moneys in the fund shall be used for
4 the purpose of providing funding to financing>

5 2. Page 1, line 13, by striking <appropriated to
6 the fund,>

7 3. Page 1, by striking line 16 and inserting <shall
8 be used by the authority as set forth>

9 4. Page 1, lines 18 and 19, by striking <and are
10 appropriated to>

11 5. Page 1, line 24, by striking <or appropriated to
12 the fund>

THOMAS G. COURTNEY

S-5029

1 Amend the amendment, S-5004, to House File 589,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 5, through page 2, line
5 14, and inserting:
6 <<Section 1. Section 717.1A, unnumbered paragraph
7 1, Code 2011, is amended to read as follows:
8 A person is guilty of livestock abuse if the
9 person intentionally injures or destroys livestock
10 owned by another person, in any manner, including,
11 but not limited to, intentionally doing any of the
12 following: administering drugs or poisons to the
13 livestock, or disabling the livestock by using a
14 firearm or trap. A person guilty of livestock abuse
15 commits an aggravated misdemeanor. However, a person
16 who commits livestock abuse and who also produces a
17 recording of the livestock abuse commits a class "D"
18 felony. This section shall not apply to any of the
19 following: >>

ROBERT M. HOGG

S-5030

1 Amend the amendment, S-5004, to House File 589,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 5, through page 2, line
5 14, and inserting:
6 <<Section 1. Section 717A.1, Code 2011, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 2A. "Agricultural production
9 facility" means an animal facility as defined in
10 subsection 4, paragraph "a", or a crop operation
11 property.
12 Sec. 2. NEW SECTION. 717A.2A Agricultural
13 production facility fraud.
14 1. A person is guilty of agricultural production
15 facility fraud if the person willfully does any of the
16 following:
17 a. Obtains access to an agricultural production
18 facility by false pretenses for the purpose of
19 committing an illegal act.
20 b. Makes a false statement or representation as
21 part of an application or agreement to be employed
22 at an agricultural production facility, if the
23 person knows the statement to be false, and makes
24 the statement with an intent to commit an act not
25 authorized by the owner of the agricultural production
26 facility.

27 2. A person is guilty of agricultural production
 28 facility criminal mischief if the person is an employee
 29 of the agricultural production facility and becomes
 30 aware of livestock abuse as provided in section 717.1A,
 31 livestock neglect as provided in section 717.2, or
 32 crop operation property damage as provided in section
 33 717A.3, and willfully fails to notify a local law
 34 enforcement agency.

35 3. A person who commits an offense described in
 36 subsection 1 or 2 commits the following:

37 a. For a first conviction, a serious misdemeanor.
 38 b. For a second or subsequent conviction, an
 39 aggravated misdemeanor.

40 Sec. 3. NEW SECTION. 717A.2B Agricultural
 41 production facility recording requirements.

42 1. An owner of an agricultural production facility
 43 shall, at the owner's expense, install video monitoring
 44 equipment to record activities twenty-four hours per
 45 day throughout all interior and exterior areas of the
 46 facility. On the first day of each month, the owner
 47 shall release all recordings to the department of
 48 agriculture and land stewardship, which shall make the
 49 recordings available to the public via an internet site
 50 or other similarly accessible format.

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1 2. An owner of an agricultural production facility
 2 who fails to comply with the recording requirements set
 3 forth in subsection 1 commits the following:

4 a. For a first conviction, a serious misdemeanor.
 5 b. For a second or subsequent conviction, an
 6 aggravated misdemeanor.

7 Sec. 4. EFFECTIVE DATE. The following provision or
 8 provisions of this Act take effect on January 1, 2013:

9 1. The section of this Act enacting section
 10 717A.2B.>

11 _____. Title page, line 2, by striking <and providing
 12 penalties and remedies> and inserting <providing
 13 penalties, and including effective date provisions>>

MATT McCOY

S-5031

1 Amend Senate File 2225 as follows:
 2 1. Page 2, line 8, by striking <takes> and
 3 inserting <treats>

DARYL BEALL

S-5032

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 2, line 28, by striking <necessary for the
3 project> and inserting <, subject to the limitation in
4 paragraph "c">
- 5 2. Page 2, after line 34 by inserting:
6 <c. A governmental entity's authority, established
7 under paragraph "b" or other provision of law, to
8 acquire or hold real and personal property shall
9 for the purposes of undertaking a project under
10 this chapter be limited to acquiring and holding
11 that portion of such property which is necessary for
12 infrastructure related to flood mitigation.>
- 13 3. Page 3, line 2, after <project,> by inserting
14 <including all phases of construction or reconstruction
15 included in the project,>
- 16 4. Page 3, by striking line 21 and inserting:
17 <b. For projects proposing to use sales tax
18 increment revenues or approved by the board to use
19 sales tax increment revenues, the project, or an
20 earlier phase of the project, has been>
- 21 5. Page 8, line 23, by striking <following
22 completion of> and inserting <after the board approved>
- 23 6. Page 11, by striking lines 30 through 32 and
24 inserting <amount of increased sales tax revenues for
25 each governmental entity approved to use sales tax
26 increment revenues and the amount of such revenues to
27 be transferred to the sales tax increment fund pursuant
28 to section 423.2, subsection 11, paragraph "b".>
- 29 7. Page 14, by striking line 27 and inserting:
30 <6. a. Each governmental entity approved by
31 the board to use sales tax increment revenues for a
32 project under this chapter shall submit two reports
33 to the board certifying the total amount of nonpublic
34 investment, as defined in section 418.9, subsection 2,
35 paragraph "d", that has occurred in the governmental
36 entity's area as defined in section 418.11, subsection
37 3. The first report shall be submitted not later than
38 five years after the board approved the project. The
39 second report shall be submitted to the board not later
40 than ten years after the board approved the project.
41 b. If the nonpublic investment requirements of
42 section>
- 43 8. Page 15, line 33, after <project,> by inserting
44 <subject to the limitation in section 418.4, subsection
45 1, paragraph "c",>
- 46 9. Page 17, line 16, after <solely> by inserting
47 <and only>
- 48 10. Page 17, line 24, after <Except> by inserting
49 <to the extent a debt service levy is authorized for
50 the payment of a governmental entity's costs related to

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1 bonds, notes, or other obligations>
 2 11. Page 17, line 29, by striking <entity.> and
 3 inserting <entity, and such bonds, notes, or other
 4 obligations shall not constitute an indebtedness of any
 5 political subdivision of this state within the meaning
 6 of any constitutional or statutory debt limitation or
 7 restriction.>

8 12. Page 17, by striking line 33 and inserting
 9 <governmental entity or make its bonds issued under
 10 this section payable out of any>

11 13. Page 18, line 9, after <"c,"> by inserting <but
 12 only>

13 14. Page 18, after line 11 by inserting:
 14 <c. The sole remedy for a breach or default of
 15 a term of a bond issued under this section is a
 16 proceeding in law or in equity by suit, action, or
 17 mandamus to enforce and compel performance of the
 18 duties required by this chapter and of the terms of the
 19 resolution authorizing the issuance of the bonds.>

20 15. Page 18, line 15, by striking <twenty-five> and
 21 inserting <twenty>

22 16. Page 19, by striking lines 2 through 27 and
 23 inserting:

24 <11. a. All revenues arising under the operation
 25 of the provisions of this section shall be deposited
 26 into the general fund of the state.

27 b. Subsequent to the deposit into the general fund
 28 of the state ~~and after the transfer of such~~ pursuant to
 29 paragraph "a", the department shall do the following
 30 in the order prescribed:

31 (1) Transfer the revenues collected under chapter
 32 423B, the department shall transfer.

33 (2) Transfer one-sixth of such the remaining
 34 revenues to the secure an advanced vision for education
 35 fund created in section 423F.2. This paragraph
 36 subparagraph (2) is repealed December 31, 2029.

37 (3) Subject to the limitation on the calculation
 38 and deposit of sales tax increment revenues in
 39 section 418.12, beginning the first day of the quarter
 40 following adoption of the resolution pursuant to
 41 section 418.4, subsection 3, paragraph "d", transfer
 42 to the account created in the sales tax increment fund
 43 for each governmental entity approved to use sales tax
 44 increment revenues under chapter 418, that portion
 45 of the increase in sales tax revenue, determined in

46 section 418.11, subsection 2, paragraph “d”, in the
 47 applicable area of the governmental entity. that
 48 remains after the transfer required under subparagraph
 49 (2) of this paragraph “b”.>

ROBERT M. HOGG
 BILL DIX

S-5033

1 Amend Senate File 2293 as follows:
 2 1. Page 12, line 20, after <this> by inserting
 3 <section of this>
 4 2. Page 13, line 10, after <this> by inserting
 5 <section of this>
 6 3. Page 20, line 35, before <this> by inserting
 7 <the sections of>
 8 4. Page 21, line 1, after <Act> by inserting
 9 <amending sections 514E.1 and 514E.2>

MATT McCOY

S-5034

1 Amend Senate File 2265 as follows:
 2 1. Page 15, after line 34 by inserting:
 3 <4. For authorizing an Iowa notary public to
 4 perform electronic notarization for the term of the
 5 notary’s commission, ten dollars.>
 6 2. By renumbering as necessary.

PAM JOCHUM

S-5035

1 Amend Senate File 2160 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 249A.4, Code 2011, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 9A. a. Allow supplementation of
 7 the combination of client participation and payment
 8 made through the medical assistance program for
 9 those items and services identified in 42 C.F.R. §
 10 483.10(c)(8)(ii), by the resident of a nursing facility
 11 or the resident’s family. Supplementation under this
 12 subsection may include supplementation for provision of
 13 a private room not otherwise covered under the medical
 14 assistance program unless either of the following
 15 applies:
 16 (1) The private room is therapeutically required
 17 pursuant to 42 C.F.R. § 483.10(c)(8)(ii).

18 (2) No room other than the private room is
19 available.
20 b. The rules adopted to administer this subsection
21 shall require all of the following if a nursing
22 facility provides for supplementation for provision of
23 a private room:

24 (1) The nursing facility shall inform all current
25 and prospective residents and residents' legal
26 representatives of the following:

27 (a) If the resident desires a private room,
28 the resident or resident's family may provide
29 supplementation by directly paying the facility the
30 amount of supplementation. Supplementation by a
31 resident's family shall not be treated as income of the
32 resident for purposes of medical assistance program
33 eligibility or client participation.

34 (b) The nursing facility's policy if a resident
35 residing in a private room converts from private pay to
36 payment under the medical assistance program, but the
37 resident or resident's family is not willing or able to
38 pay supplementation for the private room.

39 (c) A description and identification of the private
40 rooms for which supplementation is available.

41 (d) The process for an individual to take legal
42 responsibility for providing supplementation, including
43 identification of the individual and the extent of the
44 legal responsibility.

45 (2) For a resident for whom the nursing facility
46 receives supplementation, the nursing facility shall
47 indicate in the resident's record all of the following:

48 (a) A description and identification of the private
49 room for which the nursing facility is receiving
50 supplementation.

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1 (b) The identity of the individual making the
2 supplemental payments.

3 (c) The private pay charge for the private
4 room for which the nursing facility is receiving
5 supplementation.

6 (d) The total charge to the resident for the
7 private room for which the nursing facility is
8 receiving supplementation, the portion of the total
9 charge reimbursed under the medical assistance program,
10 and the portion of the total charge reimbursed through
11 supplementation.

12 (3) If the nursing facility only provides one type
13 of room or all private rooms, the nursing facility
14 shall not be eligible to request supplementation.

15 (4) A nursing facility may base the supplementation
16 amount on the difference between the amount paid for a

17 room covered under the medical assistance program and
 18 the private pay rate for the private room identified
 19 for supplementation. However, the total payment for
 20 the private room from all sources shall not be greater
 21 than the aggregate average private room rate for the
 22 type of rooms covered under the medical assistance
 23 program for which the resident would be eligible.

24 (5) Supplementation pursuant to this subsection
 25 shall not be required as a precondition of admission,
 26 expedited admission, or continued stay in a facility.

27 (6) Supplementation shall not be applicable if the
 28 facility's occupancy rate is less than eighty percent.

29 (7) The nursing facility shall ensure that
 30 all appropriate care is provided to all residents
 31 notwithstanding the applicability or availability of
 32 supplementation.

33 (8) A private room for which supplementation is
 34 required shall be retained for the resident consistent
 35 with existing bed-hold policies.>

MARY JO WILHELM

S-5036

1 Amend Senate File 2249 as follows:

- 2 1. Page 2, by striking line 30 and inserting <by a
 3 fee in the amount established for a temporary permit
 4 under subsection 2, paragraph "b".>
- 5 2. Page 3, after line 15 by inserting:
 6 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 7 being deemed of immediate importance, takes effect upon
 8 enactment.>
- 9 3. Title page, line 3, after <requirements> by
 10 inserting <, and including effective date provisions>
- 11 4. By renumbering as necessary.

TOD R. BOWMAN

S-5037

1 Amend Senate File 2250 as follows:

- 2 1. Page 2, line 10, by striking <— EMERGENCY
 3 RULES>
- 4 2. Page 2, line 11, by striking <1.>
- 5 3. Page 2, by striking lines 16 through 18 and
 6 inserting <designation of the existing area agencies
 7 on aging and designate a new area agency on aging to
 8 represent each planning and service area effective no
 9 later than July 1, 2013.>
- 10 4. Page 2, by striking lines 19 through 25.

JOE BOLKCOM

S-5038

- 1 Amend Senate File 2218 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 321.372, Code 2011, is amended
 4 by adding the following new unnumbered paragraph before
 5 subsection 1:
 6 NEW UNNUMBERED PARAGRAPH This section shall be
 7 known and may be cited as the "Keep Aware Driving —
 8 Youth Need School Safety Act".>
 9 2. By renumbering as necessary.

MERLIN BARTZ

S-5039

- 1 Amend Senate File 2314 as follows:
 2 1. Page 7, after line 28 by inserting:
 3 <Sec. __. NEW SECTION. 613.22 Secondary road
 4 improvements — liability.
 5 A person who, without compensation, performs
 6 necessary improvements to a secondary road as defined
 7 in section 306.3, shall not be liable for civil damages
 8 for acts or omissions resulting from the necessary
 9 improvements. "Necessary improvements" includes but is
 10 not limited to maintenance and repair.>
 11 2. By renumbering as necessary.

MARK CHELGREN

S-5040

- 1 Amend Senate File 2255 as follows:
 2 1. Page 3, by striking lines 16 and 17 and
 3 inserting <center associated with Iowa state
 4 university of science and technology, business
 5 accelerators, business incubators, and the John
 6 Pappajohn entrepreneurial centers. In adopting rules
 7 to administer this section, the>

JACK HATCH

S-5041

- 1 Amend Senate File 2267 as follows:
 2 1. Page 9, after line 2 by inserting:
 3 <n. A postsecondary educational institution
 4 established in Bettendorf in 1969 to prepare students
 5 for the federal communications commission radio
 6 broadcasting examination.>

- 7 2. Page 13, line 26, after <termination> by
 8 inserting <and the student began attendance in the
 9 school term or course>

HERMAN C. QUIRMBACH

S-5042

- 1 Amend Senate File 2313 as follows:
 2 1. Page 8, line 2, after <policy> by inserting <
 3 or its successor agency,>
 4 2. Page 8, by striking line 12 and inserting:
 5 <80.594>

PAM JOCHUM

S-5043

- 1 Amend Senate File 2308 as follows:
 2 1. Page 17, line 27, after <subsection 5> by
 3 inserting <, or services related to accelerating the
 4 generation and development of innovative ideas and
 5 businesses pursuant to section 15.411, subsection 6>
 6 2. Page 21, before line 34 by inserting:
 7 <6. a. The authority shall establish and
 8 administer a program to accelerate the generation and
 9 development of innovative ideas and businesses. The
 10 program shall include assistance for the expansion
 11 of the proof of commercial relevance concept, the
 12 expansion of investment in applied research, and
 13 support for a manufacturing extension partnership
 14 program.
 15 b. The authority may contract with outside service
 16 providers for assistance with the program described
 17 in this subsection or may delegate the functions to
 18 be performed under this subsection to the corporation
 19 pursuant to section 15.106B.>
 20 3. Page 21, line 34, by striking <6> and inserting
 21 <7>
 22 4. Page 22, before line 32 by inserting:
 23 <d. For establishing and administering the programs
 24 described in section 15.411.>
 25 5. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5044

- 1 Amend Senate File 2314 as follows:
 2 1. Page 1, by striking lines 1 and 2.
 3 2. By striking page 6, line 11, through page 7,
 4 line 28.

- 5 3. Title page, lines 4 and 5, by striking <fund,
 6 and providing for properly related matters.> and
 7 inserting <fund.>
 8 4. By renumbering as necessary.

ROBERT E. DVORSKY

S-5045

- 1 Amend Senate File 2274 as follows:
 2 1. Page 4, line 21, after <solar> by inserting
 3 <thermal>

PAM JOCHUM

S-5046

- 1 Amend Senate File 2301 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 162.2, Code 2011, is amended by
 5 adding the following new subsections:
 6 NEW SUBSECTION. 12A. "Dispositional expenses" means
 7 the same as defined in section 717B.1.
 8 NEW SUBSECTION. 16A. "Local authority" means the
 9 same as defined in section 717B.1.
 10 Sec. 2. Section 162.2C, Code 2011, is amended by
 11 adding the following new subsections:
 12 NEW SUBSECTION. 2A. The fiscal year of the fund
 13 begins July 1 and ends June 30. Fiscal quarters of the
 14 fund begin July 1, October 1, January 1, and April 1.
 15 NEW SUBSECTION. 2B. The fund shall include two
 16 accounts, a general account and a dispositional
 17 account.
 18 a. Except as provided in paragraph "b", the general
 19 account is composed of all moneys deposited in the fund
 20 as provided in subsection 2. The department shall
 21 utilize moneys in the general account to provide for
 22 the administration and enforcement of this chapter.
 23 b. The dispositional account is composed of all
 24 fees collected pursuant to section 162.2B, until the
 25 department determines that the account has achieved
 26 a threshold of at least two hundred fifty thousand
 27 dollars. At the end of each fiscal quarter the
 28 department shall determine the balance of unencumbered
 29 and unobligated moneys in the account, and may transfer
 30 any moneys in the account exceeding the threshold to
 31 the general account. The department shall return
 32 any unexpended and unobligated moneys expended from
 33 the dispositional account back to that account, or
 34 the general account if the dispositional account's
 35 threshold is achieved.

36 Sec. 3. NEW SECTION. 162.2D Payment of
37 dispositional expenses incurred by local authorities.
38 1. The department shall utilize the moneys
39 deposited into the dispositional account of the
40 commercial establishment fund created in section 162.2C
41 to pay eligible claims submitted to the department by
42 local authorities for dispositional expenses incurred
43 by the local authority, including by providing for the
44 maintenance of a vertebrate animal subject to a court
45 hearing pursuant to section 717B.4 or rescued pursuant
46 to section 717B.5.
47 2. The department shall pay an eligible claim
48 according to procedures adopted by departmental
49 rule. In order for a claim to be eligible, all of the
50 following must apply:

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1 a. At the time of the hearing for the disposition
2 of the vertebrate animal or the rescue of the
3 vertebrate animal, the vertebrate animal must have been
4 possessed or controlled by a commercial establishment
5 that possessed or controlled more than twenty
6 vertebrate animals at any one time during the prior
7 twelve months.
8 b. The commercial establishment must be required to
9 operate pursuant to an authorization issued or renewed
10 pursuant to section 162.2A, regardless of whether the
11 commercial establishment is actually issued or renewed
12 such authorization.
13 c. The dispositional expenses must be actually
14 and reasonably incurred by the local authority,
15 including by an animal care provider providing for the
16 maintenance of the vertebrate animal under contract
17 with the local authority.
18 d. The local authority must submit the claim to the
19 department according to procedures established by rules
20 adopted by the department. A claim is not eligible
21 if submitted twelve months or more after the local
22 authority has incurred its final dispositional expense.
23 3. A claim is eligible for payment even if any of
24 the following applies:
25 a. The responsible party has posted a bond or
26 other security with the local authority as provided in
27 section 717B.4.
28 b. The local authority may receive a future payment
29 for the dispositional expense from a responsible party
30 as provided in section 717B.4.
31 4. Upon a determination that the claim is eligible,
32 the department shall provide for payment to the local
33 authority of one hundred percent of the claimed amount.
34 If there are insufficient moneys in the dispositional

35 account to make full payment of all eligible claims,
 36 the department shall prorate the payment amounts and
 37 defer the remaining payment until the dispositional
 38 account again contains sufficient moneys.

39 5. A local authority shall repay the department
 40 for the claim amount from any moneys received by
 41 the local authority from a responsible party for
 42 dispositional expenses pursuant to section 717B.4. The
 43 department shall deposit the moneys in the commercial
 44 establishment fund as provided in section 162.2C.

45 Sec. 4. Section 717B.1, Code 2011, is amended by
 46 adding the following new subsection:

47 NEW SUBSECTION. 3A. "Department" means the
 48 department of agriculture and land stewardship.

49 Sec. 5. NEW SECTION. 717B.5A Dispositional
 50 expenses — commercial establishment fund.

Page 3

1 A local authority may submit a claim to the
 2 department to pay for dispositional expenses incurred
 3 by the local authority if the local authority complies
 4 with the requirements provided in section 162.2D.>

5 2. Title page, by striking lines 1 through 4 and
 6 inserting <An Act providing for the payment of expenses
 7 incurred by a local authority when providing for
 8 rescue, maintenance, or disposition of certain animals
 9 in commercial establishments.>

MATT McCOY

S-5047

1 Amend Senate File 2277 as follows:

2 1. Page 1, line 19, after <include> by inserting
 3 <hallucinogenic substances or>

JEFF DANIELSON

S-5048

1 Amend Senate File 2293 as follows:

2 1. Page 15, after line 12 by inserting:
 3 <Sec. ____ Section 514E.7, subsection 5, paragraph
 4 d, Code 2011, is amended by striking the paragraph.>
 5 2. By renumbering as necessary.

MATT McCOY

S-5049

- 1 Amend Senate File 2293 as follows:
- 2 1. By striking page 11, line 15, through page 14,
3 line 29.
- 4 2. By striking page 20, line 34, through page 21,
5 line 9.
- 6 3. Page 21, line 15, by striking <sections> and
7 inserting <section>
- 8 4. By renumbering as necessary.

RANDY FEENSTRA

S-5050

- 1 Amend Senate File 2250 as follows:
- 2 1. By striking everything after the enacting clause
3 and inserting:
- 4 <Section 1. Section 231.32, subsections 1 and 2,
5 Code 2011, are amended to read as follows:
- 6 1. The commission shall designate ~~thirteen area~~
7 ~~agencies on aging, the same of which existed on July~~
8 ~~1, 1985~~ an area agency on aging for each planning
9 and service area. The commission shall continue the
10 designation until an area agency on aging's designation
11 is removed for cause as determined by the commission
12 ~~or~~ until the agency voluntarily withdraws as an area
13 agency on aging, or until a change in the designation
14 of planning and service areas or area agencies on
15 aging is required by state or federal law. In that
16 event, the commission shall proceed in accordance with
17 subsections 2, 3, and 4. Designated area agencies on
18 aging shall comply with the requirements of the federal
19 Act.
- 20 2. The commission shall designate an area agency
21 to serve each planning and service area, after
22 consideration of the views offered by units of general
23 purpose local government. An area agency may be:
- 24 a. An established office of aging which is
25 operating within a planning and service area designated
26 by the commission.
- 27 b. Any office or agency of a unit of general
28 purpose local government, which is designated to
29 function only for the purpose of serving as an area
30 agency on aging by the chief elected official of such
31 unit.
- 32 c. Any office or agency designated by the
33 appropriate chief elected officials of any combination
34 of units of general purpose local government to
35 act only on behalf of ~~the~~ such combination for such
36 purpose.
- 37 d. Any public or nonprofit private agency

38 in a planning and service area or any separate
 39 organizational unit within such agency which is under
 40 the supervision or direction for this purpose of the
 41 department on aging and which can and will engage
 42 only in the planning or provision of a broad range of
 43 supportive services or nutrition services within the
 44 planning and service area.
 45 Sec. 2. REVOKING OF DESIGNATION AND DESIGNATION OF
 46 AREA AGENCIES ON AGING.
 47 Based upon the plan for reduction in the number
 48 of area agencies on aging submitted pursuant to 2011
 49 Iowa Acts, chapter 122, section 20, and pursuant to
 50 procedures established by the department on aging in

Page 2

1 accordance with the federal Older Americans Act, the
 2 commission on aging shall revoke the designation of the
 3 existing area agencies on aging and designate a new
 4 area agency on aging to represent each planning and
 5 service area effective no later than July 1, 2013.
 6 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 7 deemed of immediate importance, takes effect upon
 8 enactment.
 9 2. Title page, lines 1 and 2, by striking <planning
 10 and service delivery under the purview of the
 11 department on aging including>

JOE BOLKCOM

S-5051

1 Amend House File 563, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 30 and
 4 inserting:
 5 <Section 1. Section 13.7, Code Supplement 2011, is
 6 amended to read as follows:
 7 13.7 Special counsel.
 8 1. Compensation shall not be allowed to any
 9 person for services as an attorney or counselor to an
 10 executive department of the state government, or the
 11 head of an executive department of state government, or
 12 to a state board or commission. However, the executive
 13 council may authorize employment of legal assistance,
 14 at a reasonable compensation, in a pending action or
 15 proceeding to protect the interests of the state, but
 16 only upon a sufficient showing, in writing, made by the
 17 attorney general, that the department of justice cannot
 18 for reasons stated by the attorney general perform the
 19 service. The reasons and action of the council shall
 20 be entered upon its records. If the attorney general

21 determines that the department of justice cannot
 22 perform legal service in an action or proceeding, the
 23 executive council shall request the department involved
 24 in the action or proceeding to recommend legal counsel
 25 to represent the department. If the attorney general
 26 concurs with the department that the person recommended
 27 is qualified and suitable to represent the department,
 28 the person recommended shall be employed. If the
 29 attorney general does not concur in the recommendation,
 30 the department shall submit a new recommendation. This
 31 ~~section subsection~~ does not affect the general counsel
 32 for the utilities board of the department of commerce,
 33 the legal counsel of the department of workforce
 34 development, or the general counsel for the property
 35 assessment appeal board.

36 2. The executive branch and the attorney general
 37 shall also comply with chapter 23B when retaining legal
 38 counsel on a contingency fee basis under this section,
 39 as appropriate.>

40 2. Page 2, by striking lines 32 and 33 and
 41 inserting <basis, unless the attorney general
 42 determines that the procurement process is not feasible
 43 under the circumstances and sets>

44 3. Page 2, by striking line 35 and inserting:
 45 <3. a. Except as provided in paragraph “c”, the
 46 state shall not enter into a contingency fee>

47 4. Page 3, line 5, after <dollars> by inserting <
 48 exclusive of reasonable costs and expenses>

49 5. Page 3, line 8, after <dollars> by inserting <
 50 exclusive of reasonable costs and expenses>

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1 6. Page 3, line 11, after <dollars> by inserting <
 2 exclusive of reasonable costs and expenses>

3 7. Page 3, line 14, after <dollars> by inserting <
 4 exclusive of reasonable costs and expenses>

5 8. Page 3, line 16, after <dollars> by inserting <
 6 exclusive of reasonable costs and expenses>

7 9. Page 3, by striking lines 23 and 24 and
 8 inserting <executive council of the aggregate
 9 contingency fee limits in paragraphs “a” and “b” if the
 10 attorney general provides a thirty-day>

11 10. Page 4, line 11, by striking <attend> and
 12 inserting <participate in>

13 11. By striking page 4, line 33, through page
 14 5, line 3, and inserting <copying upon request in
 15 accordance with chapter 22.>

16 12. By renumbering as necessary.

S-5052

1 Amend House File 609, as passed by the House, as
2 follows:

3 1. Page 1, line 1, after <Code> by inserting
4 <Supplement>

5 2. Page 2, after line 22 by inserting:

6 <Sec. __. Section 633.350, Code 2011, is amended
7 to read as follows:

8 633.350 Title to decedent's estate — when property
9 passes — possession and control thereof — liability
10 for administration expenses, debts, and family
11 allowance.

12 Except as otherwise provided in this probate code,
13 when a person dies, the title to the person's property,
14 real and personal, passes to the person to whom it is
15 devised by the person's last will, or, in the absence
16 of such disposition, to the persons who succeed to the
17 estate as provided in this probate code, but all of
18 the property shall be subject to the possession of the
19 personal representative as provided in section 633.351
20 and to the control of the court for the purposes of
21 administration, sale, or other disposition under the
22 provisions of law, and such property, except homestead
23 and other exempt property, shall be chargeable with the
24 payment of debts and charges ~~against~~ of the estate.
25 There shall be no priority as between real and personal
26 property, except as provided in this probate code or by
27 the will of the decedent. If real property is titled
28 at any time in a decedent's estate, such property
29 shall be treated as titled in the name of the personal
30 representative of the estate.

31 Sec. __. Section 633.351, Code 2011, is amended to
32 read as follows:

33 633.351 Possession of real and personal property.

34 ~~If there is no distributee of the real estate~~
35 ~~present and competent to take possession, or if there~~
36 ~~is a lease of such real estate outstanding, or if the~~
37 ~~distributees present and competent consent thereto~~
38 During the period of administration, the personal
39 representative shall take possession of ~~such the~~
40 decedent's real estate, except the homestead and
41 other property exempt to the surviving spouse. Every
42 personal representative shall take possession of
43 all the personal property of the decedent, except
44 the property exempt to the surviving spouse. The
45 personal representative may maintain an action for
46 the possession of such real and personal property
47 or to determine the title to any property of the
48 decedent. Until property is distributed, the
49 personal representative shall take reasonable steps
50 to safeguard such property, pay any expenses related

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1 to such property, and collect any income generated
2 by such property. Unless otherwise provided by the
3 decedent's will, all such expenses shall be paid from
4 the residuary estate and all such income shall be
5 considered a part of the residuary estate.

6 Sec. ____ Section 633.352, Code 2011, is amended to
7 read as follows:

8 633.352 Collection of rents and payment of taxes and
9 charges.

10 Unless otherwise provided by the will, the ~~personal~~
11 ~~representative shall allocate and distribute provisions~~
12 of chapter 637 that conflict with this part 3 shall
13 not apply to the allocation and distribution of estate
14 income of an estate in accordance with chapter 637.

15 Sec. ____ Section 633.355, Code 2011, is amended to
16 read as follows:

17 633.355 Delivery of specific devise after ~~nine~~
18 twelve months.

19 Unless the court, for cause shown, determines
20 that the possession of the personal representative
21 shall continue for a longer period, the personal
22 representative shall deliver all specifically devised
23 property to the devisees entitled thereto after the
24 expiration of ~~nine~~ twelve months from the date of
25 appointment of the personal representative. This
26 section shall not preclude the court from directing
27 that such delivery be made before such period has
28 expired, nor shall the personal representative
29 be prevented from ~~sooner settling the estate and~~
30 delivering such property at an earlier time.>

31 3. Page 7, after line 1 by inserting:

32 <Sec. ____ Section 633A.3102, subsection 5, Code
33 2011, is amended to read as follows:

34 5. The settlor's powers with respect to revocation
35 or modification may be exercised by an agent under a
36 power of attorney only ~~and to the extent the power~~
37 ~~of attorney expressly so authorizes, if all of the~~
38 following apply:

39 a. The trust instrument expressly authorizes an
40 agent under a power of attorney to exercise such
41 powers.

42 b. The power of attorney expressly authorizes an
43 agent acting under the power of attorney to exercise
44 such powers.>

45 4. Page 12, line 24, after <Code> by inserting
46 <Supplement>

47 5. Page 18, after line 18 by inserting:

48 <Sec. ____ Section 635.7, Code 2011, is amended to
49 read as follows:

50 635.7 Report and inventory — value and conversion.

Page 3

1 1. The personal representative is required to file
 2 the report and inventory for which provision is made in
 3 section 633.361, including all probate and nonprobate
 4 assets. This chapter does not exempt the personal
 5 representative from complying with the requirements of
 6 section 422.27, 450.22, 450.58, 633.480, or 633.481,
 7 and the administration of an estate whether converted
 8 to or from a small estate shall be considered one
 9 proceeding pursuant to section 633.330.

10 ~~2. If the~~ The report and inventory and report shows
 11 shall show the gross value of probate assets subject to
 12 the jurisdiction of this state ~~which exceed~~.

13 ~~3. If the gross value of probate assets subject~~
 14 to the jurisdiction of this state exceeds the amount
 15 permitted ~~for~~ a small estate under section 635.1, the
 16 estate shall be administered as provided in chapter
 17 633.

18 ~~3. 4. If the inventory report and inventory in~~
 19 an estate probated pursuant to chapter 633 ~~indicates~~
 20 shows the gross value of the probate assets subject
 21 to the jurisdiction of this state does not exceed the
 22 amount permitted under section 635.1, the estate shall
 23 be administered as a small estate upon the filing of
 24 a statement by the personal representative that the
 25 estate is a small estate.

26 ~~4. 5.~~ Other interested parties may convert
 27 proceedings from a small estate to a regular estate or
 28 from a regular estate to a small estate only upon good
 29 cause shown with approval from the court.

30 Sec. ____ Section 635.8, Code 2011, is amended to
 31 read as follows:

32 635.8 Closing by sworn statement.

33 1. The personal representative shall file with the
 34 court a closing statement and proof of service thereof
 35 within a reasonable time from the date of issuance
 36 of the letters of appointment, ~~and the~~ The closing
 37 statement shall be verified or affirmed under penalty
 38 of perjury, stating all of the following:

39 a. To the best knowledge of the personal
 40 representative, the gross value of the probate assets
 41 subject to the jurisdiction of this state does not
 42 exceed the amount permitted under section 635.1.

43 b. The estate has been fully administered and will
 44 be ~~disbursed and~~ distributed to persons entitled to the
 45 estate thereto if no objection is filed to the closing
 46 statement after the requisite time period has expired
 47 as provided in subsection 2 and the accounting and
 48 proposed distribution within thirty days after service
 49 thereof.

50 c. ~~A description of the disbursement and~~ An

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1 accounting and proposed distribution of the estate
2 including an accurate description of all the real
3 estate of which the decedent died seized, stating the
4 nature and extent of the interest in the real estate
5 and its disposition.

6 d. A copy of the closing statement and a notice
7 of an opportunity to object to and request a hearing
8 has been sent ~~by proper notice~~, as provided in section
9 633.40, to all interested parties.

10 e. ~~The personal representative has complied~~
11 ~~with A statement as to whether or not~~ all statutory
12 requirements pertaining to taxes have been complied
13 with, including whether federal estate tax ~~was paid~~
14 ~~or a return was filed, whether Iowa inheritance tax~~
15 ~~was paid or a return was filed, whether the decedent's~~
16 ~~final personal income taxes were filed, whether~~
17 ~~fiduciary income tax returns for the estate were filed,~~
18 ~~and due has been paid~~, whether a lien continues to
19 exist for any federal ~~or state~~ estate tax, and whether
20 inheritance tax was paid or a tax return was filed in
21 this state.

22 f. The amount of fees to be paid to the personal
23 representative and the personal representative's
24 attorney with the appropriate documentation showing
25 compliance with subsection 4.

26 2. If no actions or proceedings involving the
27 estate are pending in the court thirty days after
28 ~~notice service~~ of the closing statement ~~is filed,~~
29 ~~the the estate shall be distributed according to the~~
30 closing statement.

31 3. ~~The~~ estate shall close and the personal
32 representative shall be discharged ~~after distribution~~
33 upon the earlier of either of the following:

34 a. The filing of ~~a statement of disbursement of~~
35 ~~assets with the clerk by the personal representative an~~
36 affidavit of mailing or other proof of service of the
37 closing statement and a statement of asset distribution
38 by the personal representative.

39 b. ~~An additional thirty days have passed after~~
40 ~~notice of the Sixty days after the filing of the~~
41 closing statement is filed and an affidavit of mailing
42 or other proof of service thereof.

43 3. 4. ~~The closing statement shall include a~~
44 ~~statement as to the amount of fees to be paid for~~
45 ~~services rendered by the personal representative~~
46 ~~and the personal representative's attorney in~~
47 ~~administration of the estate. The fees for the~~
48 personal representative shall not exceed three percent
49 of the gross value of the probate assets of the
50 estate, unless the personal representative itemizes

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- 1 the personal representative's services to the estate.
 2 The personal representative's attorney shall be paid
 3 reasonable fees as ~~approved by the court or as~~ agreed
 4 to in writing by the personal representative ~~at or~~
 5 ~~before and such writing shall be executed by the~~
 6 ~~time of filing the probate inventory or as approved~~
 7 ~~by the court.~~ All interested parties shall have the
 8 opportunity to object and request a hearing as to all
 9 fees reported in the closing statement.
 10 ~~4. 5.~~ If a closing statement is not filed within
 11 twelve months of the date of issuance of a letter of
 12 appointment, an interlocutory report shall be filed
 13 within such time period. Such report shall be provided
 14 to all interested parties at least once every six
 15 months until the closing statement has been filed
 16 unless excused by the court for good cause shown.
 17 The provisions of section 633.473 requiring final
 18 settlement within three years shall apply to an estate
 19 probated pursuant to this chapter. A closing statement
 20 filed under this section has the same effect as final
 21 settlement of the estate under chapter 633.>
 22 6. Page 18, line 23, by striking <2011> and
 23 inserting <2012>
 24 7. Page 18, line 25, by striking <2011> and
 25 inserting <2012>
 26 8. Page 18, line 31, by striking <2011> and
 27 inserting <2012>
 28 9. Page 18, line 34, by striking <2011> and
 29 inserting <2012>
 30 10. Page 18, after line 34 by inserting:
 31 <5. The section of this Act amending section
 32 633A.3102 applies to revocable trusts and powers of
 33 attorney in existence on or after July 1, 2012.>
 34 11. Title page, by striking lines 1 and 2 and
 35 inserting <An Act relating to trusts and estates
 36 including the administration of small estates, and
 37 certain state inheritance tax provisions, and including
 38 applicability provisions.>
 39 12. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 GENE FRAISE, Chair

S-5053

- 1 Amend House File 2245, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 257.8, subsection 1, Code

6 Supplement 2011, is amended to read as follows:

7 1. State percent of growth. ~~The state percent of~~
8 ~~growth for the budget year beginning July 1, 2010,~~
9 ~~is two percent.~~ The state percent of growth for the
10 budget year beginning July 1, 2012, is two percent.
11 The state percent of growth for the budget year
12 beginning July 1, 2013, is four percent. The state
13 percent of growth for each subsequent budget year shall
14 be established by statute which shall be enacted within
15 thirty days of the submission in the year preceding the
16 base year of the governor's budget under section 8.21.
17 The establishment of the state percent of growth for
18 a budget year shall be the only subject matter of the
19 bill which enacts the state percent of growth for a
20 budget year.

21 Sec. 2. Section 257.8, subsection 2, Code
22 Supplement 2011, is amended to read as follows:

23 2. Categorical state percent of growth. ~~The~~
24 ~~categorical state percent of growth for the budget~~
25 ~~year beginning July 1, 2010, is two percent.~~ The
26 categorical state percent of growth for the budget
27 year beginning July 1, 2012, is two percent. ~~The~~
28 ~~categorical state percent of growth for the budget~~
29 ~~year beginning July 1, 2013, is four percent.~~ The
30 categorical state percent of growth for each budget
31 year shall be established by statute which shall
32 be enacted within thirty days of the submission in
33 the year preceding the base year of the governor's
34 budget under section 8.21. The establishment of the
35 categorical state percent of growth for a budget year
36 shall be the only subject matter of the bill which
37 enacts the categorical state percent of growth for a
38 budget year. The categorical state percent of growth
39 may include state percents of growth for the teacher
40 salary supplement, the professional development
41 supplement, and the early intervention supplement.
42 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
43 deemed of immediate importance, takes effect upon
44 enactment.

45 Sec. 4. APPLICABILITY. This Act is applicable for
46 computing state aid under the state school foundation
47 program for the school budget year beginning July 1,
48 2013.

49 Sec. 5. CODE SECTION 257.8 — IMPLEMENTATION. The
50 requirements of section 257.8 regarding the enactment

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1 of the regular program state percent of growth and
2 categorical state percent of growth within thirty days
3 of the submission in the year preceding the base year
4 of the governor's budget and the requirements that the

- 5 subject matter of each bill establishing the state
 6 percent of growth or the categorical state percent of
 7 growth be the only subject matter of the bill do not
 8 apply to this Act.>
 9 2. Title page, by striking lines 1 through 3 and
 10 inserting <An Act establishing the state percent of
 11 growth and the categorical state percent of growth for
 12 the school foundation program and including effective
 13 date and applicability provisions.>
 14 3. By renumbering as necessary.

COMMITTEE ON EDUCATION
 HERMAN C. QUIRMBACH, Chair

S-5054

- 1 Amend Senate File 2302 as follows:
 2 1. Page 1, line 11, after <awarded.> by inserting
 3 <This subsection does not apply to a request for bids
 4 or proposals for products or other purchases associated
 5 with road or bridge construction or repair.>
 6 2. Page 1, line 12, after <12B.> by inserting <a.>
 7 3. Page 1, line 17, by striking <a.> and inserting
 8 <(1)>
 9 4. Page 1, line 19, by striking <b.> and inserting
 10 <(2)>
 11 5. Page 1, line 24, by striking <c.> and inserting
 12 <(3)>
 13 6. Page 1, line 27, by striking <d.> and inserting
 14 <(4)>
 15 7. Page 1, after line 29 by inserting:
 16 <b. This subsection does not apply to a request
 17 for bids or proposals for products or other purchases
 18 associated with road or bridge construction or repair.>

JACK WHITVER

S-5055

- 1 Amend House File 2315, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 5 and 6 and inserting
 4 <to Iowans. The moneys in the fund shall be used for
 5 the purpose of providing funding to financing>
 6 2. Page 1, line 13, by striking <appropriated to
 7 the fund,>
 8 3. Page 1, by striking line 16 and inserting <shall
 9 be used by the authority as set forth>
 10 4. Page 1, lines 18 and 19, by striking <and are
 11 appropriated to>
 12 5. Page 1, line 24, by striking <or appropriated to
 13 the fund>

THOMAS G. COURTNEY

S-5056

1 Amend House File 2335, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. 2011 Iowa Acts, chapter 134, section
 6 30, is amended to read as follows:

7 SEC. 30. DEPARTMENT OF JUSTICE.

8 1. There is appropriated from the general fund
 9 of the state to the department of justice for the
 10 fiscal year beginning July 1, 2012, and ending June 30,
 11 2013, the following amounts, or so much thereof as is
 12 necessary, to be used for the purposes designated:

13 a. For the general office of attorney general for
 14 salaries, support, maintenance, and miscellaneous
 15 purposes, including the prosecuting attorneys training
 16 program, matching funds for federal violence against
 17 women grant programs, victim assistance grants, office
 18 of drug control policy prosecuting attorney program,
 19 and odometer fraud enforcement, and for not more than
 20 the following full-time equivalent positions:

21	\$	<u>3,896,465</u>
22		<u>7,792,930</u>
23	FTEs	<u>212.00</u>
24		<u>214.00</u>

25 It is the intent of the general assembly that as
 26 a condition of receiving the appropriation provided
 27 in this lettered paragraph, the department of justice
 28 shall maintain a record of the estimated time incurred
 29 representing each agency or department.

30 b. For victim assistance grants:

31	\$	<u>1,438,200</u>
32		<u>3,026,400</u>

33 The funds appropriated in this lettered paragraph
 34 shall be used to provide grants to care providers
 35 providing services to crime victims of domestic abuse
 36 or to crime victims of rape and sexual assault.

37 The balance of the victim compensation fund
 38 established in section 915.94 may be used to provide
 39 salary and support of not more than 24 FTEs and
 40 to provide maintenance for the victim compensation
 41 functions of the department of justice.

42 The department of justice shall transfer at least
 43 \$150,000 from the victim compensation fund established
 44 in section 915.94 to the victim assistance grant
 45 program.

46 c. For legal services for persons in poverty grants
 47 as provided in section 13.34:

48	\$	<u>907,416</u>
49		<u>1,914,831</u>

50 2. a. The department of justice, in submitting

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1 budget estimates for the fiscal year commencing July
 2 1, 2013, pursuant to section 8.23, shall include a
 3 report of funding from sources other than amounts
 4 appropriated directly from the general fund of the
 5 state to the department of justice or to the office of
 6 consumer advocate. These funding sources shall include
 7 but are not limited to reimbursements from other state
 8 agencies, commissions, boards, or similar entities, and
 9 reimbursements from special funds or internal accounts
 10 within the department of justice. The department of
 11 justice shall also report actual reimbursements for the
 12 fiscal year commencing July 1, 2011, and actual and
 13 expected reimbursements for the fiscal year commencing
 14 July 1, 2012.

15 b. The department of justice shall include the
 16 report required under paragraph “a”, as well as
 17 information regarding any revisions occurring as a
 18 result of reimbursements actually received or expected
 19 at a later date, in a report to the co-chairpersons
 20 and ranking members of the joint appropriations
 21 subcommittee on the justice system and the legislative
 22 services agency. The department of justice shall
 23 submit the report on or before January 15, 2013.

24 Sec. 2. 2011 Iowa Acts, chapter 134, section 31, is
 25 amended to read as follows:

26 SEC. 31. OFFICE OF CONSUMER ADVOCATE. There is
 27 appropriated from the department of commerce revolving
 28 fund created in section 546.12 to the office of
 29 consumer advocate of the department of justice for the
 30 fiscal year beginning July 1, 2012, and ending June 30,
 31 2013, the following amount, or so much thereof as is
 32 necessary, to be used for the purposes designated:

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-time
 35 equivalent positions:

36	\$	<u>1,568,082</u>
37		<u>3,136.163</u>
38	FTEs	22.00

39 Sec. 3. 2011 Iowa Acts, chapter 134, section 32, is
 40 amended to read as follows:

41 SEC. 32. DEPARTMENT OF CORRECTIONS — FACILITIES.

42 1. There is appropriated from the general fund of
 43 the state to the department of corrections for the
 44 fiscal year beginning July 1, 2012, and ending June
 45 30, 2013, the following amounts, or so much thereof as
 46 is necessary, to be used for the operation of adult
 47 correctional institutions, reimbursement of counties
 48 for certain confinement costs, and federal prison
 49 reimbursement, to be allocated as follows:

50 a. For the operation of the Fort Madison

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1	correctional facility, including salaries, support,		
2	maintenance, and miscellaneous purposes:		
3	.....	\$	<u>20,515,641</u>
4			<u>42,686,899</u>
5	<u>As a condition of receiving an appropriation under</u>		
6	<u>this lettered paragraph the department of corrections</u>		
7	<u>shall submit, to the co-chairpersons and ranking</u>		
8	<u>members of the joint appropriations subcommittee on</u>		
9	<u>the justice system by January 15, 2013, the plans for</u>		
10	<u>the integration of the John Bennett facility and the</u>		
11	<u>clinical care unit into the new Fort Madison maximum</u>		
12	<u>security correctional facility and the future plans for</u>		
13	<u>the use of the current Fort Madison maximum security</u>		
14	<u>correctional facility after the inmates are transferred</u>		
15	<u>to the new facility.</u>		
16	b. For the operation of the Anamosa correctional		
17	facility, including salaries, support, maintenance, and		
18	miscellaneous purposes:		
19	.....	\$	<u>15,992,987</u>
20			<u>33,697,392</u>
21	<u>It is the intent of the general assembly that the</u>		
22	<u>department of corrections fully operate the Luster</u>		
23	<u>Heights facility at the facility's 88-bed capacity.</u>		
24	c. For the operation of the Oakdale correctional		
25	facility, including salaries, support, maintenance, and		
26	miscellaneous purposes:		
27	.....	\$	<u>27,797,213</u>
28			<u>57,950,613</u>
29	d. For the operation of the Newton correctional		
30	facility, including salaries, support, maintenance, and		
31	miscellaneous purposes:		
32	.....	\$	<u>12,979,379</u>
33			<u>27,127,290</u>
34	e. For the operation of the Mt. Pleasant		
35	correctional facility, including salaries, support,		
36	maintenance, and miscellaneous purposes:		
37	.....	\$	<u>12,958,908</u>
38			<u>26,751,707</u>
39	f. For the operation of the Rockwell City		
40	correctional facility, including salaries, support,		
41	maintenance, and miscellaneous purposes:		
42	.....	\$	<u>4,658,233</u>
43			<u>9,758,146</u>
44	g. For the operation of the Clarinda correctional		
45	facility, including salaries, support, maintenance, and		
46	miscellaneous purposes:		
47	.....	\$	<u>12,241,178</u>
48			<u>26,357,056</u>
49	Moneys received by the department of corrections as		
50	reimbursement for services provided to the Clarinda		

1 youth corporation are appropriated to the department
2 and shall be used for the purpose of operating the
3 Clarinda correctional facility.

4 h. For the operation of the Mitchellville
5 correctional facility, including salaries, support,
6 maintenance, and miscellaneous purposes:
7 \$ 7,807,687
8 16,558,690

9 i. For the operation of the Fort Dodge correctional
10 facility, including salaries, support, maintenance, and
11 miscellaneous purposes:
12 \$ 14,531,118
13 30,062,193

14 j. For reimbursement of counties for temporary
15 confinement of work release and parole violators, as
16 provided in sections 901.7, 904.908, and 906.17, and
17 for offenders confined pursuant to section 904.513:
18 \$ 387,546
19 1,075,092

20 k. For federal prison reimbursement, reimbursements
21 for out-of-state placements, and miscellaneous
22 contracts:
23 \$ 119,706
24 484,411

25 ~~1. For three correctional officer full time~~
26 ~~equivalent positions that are to be assigned to~~
27 ~~a correctional institution by the director of the~~
28 ~~department of corrections:~~
29 \$ 78,581

30 2. The department of corrections shall use moneys
31 appropriated in subsection 1 to continue to contract
32 for the services of a Muslim imam and a Native American
33 spiritual leader.

34 Sec. 4. 2011 Iowa Acts, chapter 134, section 33, is
35 amended to read as follows:

36 SEC. 33. DEPARTMENT OF CORRECTIONS —
37 ADMINISTRATION. There is appropriated from the general
38 fund of the state to the department of corrections for
39 the fiscal year beginning July 1, 2012, and ending June
40 30, 2013, the following amounts, or so much thereof as
41 is necessary, to be used for the purposes designated:

42 1. For general administration, including salaries,
43 support, maintenance, employment of an education
44 director to administer a centralized education
45 program for the correctional system, and miscellaneous
46 purposes:
47 \$ 2,417,771
48 5,181,582

49 0b. It is the intent of the general assembly
50 that as a condition of receiving the appropriation

1 provided in this lettered paragraph the department of
 2 corrections shall not, except as otherwise provided
 3 in paragraph "c", enter into a new contract, unless
 4 the contract is a renewal of an existing contract,
 5 for the expenditure of moneys in excess of \$100,000
 6 during the fiscal year beginning July 1, 2012, for the
 7 privatization of services performed by the department
 8 using state employees as of July 1, 2012, or for the
 9 privatization of new services by the department without
 10 prior consultation with any applicable state employee
 11 organization affected by the proposed new contract and
 12 prior notification of the co-chairpersons and ranking
 13 members of the joint appropriations subcommittee on the
 14 justice system.

15 b. It is the intent of the general assembly
 16 that each lease negotiated by the department of
 17 corrections with a private corporation for the purpose
 18 of providing private industry employment of inmates in
 19 a correctional institution shall prohibit the private
 20 corporation from utilizing inmate labor for partisan
 21 political purposes for any person seeking election to
 22 public office in this state and that a violation of
 23 this requirement shall result in a termination of the
 24 lease agreement.

25 c. It is the intent of the general assembly that as
 26 a condition of receiving the appropriation provided in
 27 this subsection the department of corrections shall not
 28 enter into a lease or contractual agreement pursuant to
 29 section 904.809 with a private corporation for the use
 30 of building space for the purpose of providing inmate
 31 employment without providing that the terms of the
 32 lease or contract establish safeguards to restrict, to
 33 the greatest extent feasible, access by inmates working
 34 for the private corporation to personal identifying
 35 information of citizens.

36 2. For educational programs for inmates at state
 37 penal institutions:

38	\$	<u>1,154,055</u>
39		<u>2,558,109</u>

40 b. It is the intent of the general assembly that
 41 moneys appropriated in this subsection shall be used
 42 solely for the purpose indicated and that the moneys
 43 shall not be transferred for any other purpose. In
 44 addition, it is the intent of the general assembly
 45 that the department shall consult with the community
 46 colleges in the areas in which the institutions
 47 are located to utilize moneys appropriated in this
 48 subsection to fund the high school completion, high
 49 school equivalency diploma, adult literacy, and adult
 50 basic education programs in a manner so as to maintain

1 these programs at the institutions.
 2 c. To maximize the funding for educational
 3 programs, the department shall establish guidelines
 4 and procedures to prioritize the availability of
 5 educational and vocational training for inmates based
 6 upon the goal of facilitating an inmate's successful
 7 release from the correctional institution.

8 d. The director of the department of corrections
 9 may transfer moneys from Iowa prison industries and the
 10 canteen operating funds established pursuant to section
 11 904.310, for use in educational programs for inmates.

12 e. Notwithstanding section 8.33, moneys
 13 appropriated in this subsection that remain unobligated
 14 or unexpended at the close of the fiscal year shall not
 15 revert but shall remain available to be used only for
 16 the purposes designated in this subsection until the
 17 close of the succeeding fiscal year.

18 3. For the development of the Iowa corrections
 19 offender network (ICON) data system:

20	\$	<u>212,182</u>
21		<u>424,364</u>

22 4. For offender mental health and substance abuse
 23 treatment:

24	\$	<u>11,160</u>
25		<u>22,319</u>

26 5. For viral hepatitis prevention and treatment:

27	\$	<u>83,941</u>
28		<u>167,881</u>

29 6. It is the intent of the general assembly that
 30 for the fiscal year addressed by this section the
 31 department of corrections shall continue to operate the
 32 correctional farms under the control of the department
 33 at the same or greater level of participation and
 34 involvement as existed as of January 1, 2011; shall not
 35 enter into any rental agreement or contract concerning
 36 any farmland under the control of the department that
 37 is not subject to a rental agreement or contract as of
 38 January 1, 2011, without prior legislative approval;
 39 and shall further attempt to provide job opportunities
 40 at the farms for inmates. The department shall attempt
 41 to provide job opportunities at the farms for inmates
 42 by encouraging labor-intensive farming or gardening
 43 where appropriate; using inmates to grow produce
 44 and meat for institutional consumption; researching
 45 the possibility of instituting food canning and
 46 cook-and-chill operations; and exploring opportunities
 47 for organic farming and gardening, livestock ventures,
 48 horticulture, and specialized crops.

49 ~~7. The department of corrections shall solicit~~
 50 ~~requests for information to improve efficiencies at the~~

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1 ~~pharmacy under the control of the department.~~
 2 Sec. 5. 2011 Iowa Acts, chapter 134, section 34, is
 3 amended to read as follows:
 4 SEC. 34. JUDICIAL DISTRICT DEPARTMENTS OF
 5 CORRECTIONAL SERVICES.
 6 1. There is appropriated from the general fund of
 7 the state to the department of corrections for the
 8 fiscal year beginning July 1, 2012, and ending June
 9 30, 2013, for salaries, support, maintenance, and
 10 miscellaneous purposes, the following amounts, or
 11 so much thereof as is necessary, to be allocated as
 12 follows:
 13 a. For the first judicial district department of
 14 correctional services:
 15 \$ 6,102,474
 16 14,301,004
 17 b. For the second judicial district department of
 18 correctional services:
 19 \$ 5,168,474
 20 11,001,278
 21 c. For the third judicial district department of
 22 correctional services:
 23 \$ 2,709,883
 24 7,245,713
 25 d. For the fourth judicial district department of
 26 correctional services:
 27 \$ 2,695,678
 28 5,520,807
 29 e. For the fifth judicial district department of
 30 correctional services, including funding for electronic
 31 monitoring devices for use on a statewide basis:
 32 \$ 9,371,065
 33 19,530,766
 34 f. For the sixth judicial district department of
 35 correctional services:
 36 \$ 6,556,282
 37 14,095,408
 38 g. For the seventh judicial district department of
 39 correctional services:
 40 \$ 3,246,407
 41 7,673,973
 42 h. For the eighth judicial district department of
 43 correctional services:
 44 \$ 3,439,858
 45 7,914,828
 46 2. Each judicial district department of
 47 correctional services, within the funding available,
 48 shall continue programs and plans established within
 49 that district to provide for intensive supervision, sex
 50 offender treatment, diversion of low-risk offenders

1 to the least restrictive sanction available, job
2 development, and expanded use of intermediate criminal
3 sanctions.

4 3. Each judicial district department of
5 correctional services shall provide alternatives to
6 prison consistent with chapter 901B. The alternatives
7 to prison shall ensure public safety while providing
8 maximum rehabilitation to the offender. A judicial
9 district department of correctional services may also
10 establish a day program.

11 4. The governor's office of drug control policy
12 or any succeeding entity of the governor's office of
13 drug control policy shall consider federal grants made
14 to the department of corrections for the benefit of
15 each of the eight judicial district departments of
16 correctional services as local government grants, as
17 defined pursuant to federal regulations.

18 5. The department of corrections shall continue
19 to contract with a judicial district department
20 of correctional services to provide for the rental
21 of electronic monitoring equipment which shall be
22 available statewide.

23 Sec. 6. 2011 Iowa Acts, chapter 134, section 39, is
24 amended to read as follows:

25 SEC. 39. IOWA LAW ENFORCEMENT ACADEMY.

26 1. There is appropriated from the general fund of
27 the state to the Iowa law enforcement academy for the
28 fiscal year beginning July 1, 2012, and ending June 30,
29 2013, the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
32 purposes, including jailer training and technical
33 assistance, and for not more than the following
34 full-time equivalent positions:

35	\$	<u>434,349</u>
36		<u>968,698</u>
37	FTEs	<u>24.55</u>
38		<u>25.50</u>

39 It is the intent of the general assembly that the
40 Iowa law enforcement academy may provide training of
41 state and local law enforcement personnel concerning
42 the recognition of and response to persons with
43 Alzheimer's disease.

44 The Iowa law enforcement academy may temporarily
45 exceed and draw more than the amount appropriated in
46 this subsection and incur a negative cash balance as
47 long as there are receivables equal to or greater than
48 the negative balance and the amount appropriated in
49 this subsection is not exceeded at the close of the
50 fiscal year.

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1 2. The Iowa law enforcement academy may select
 2 at least five automobiles of the department of public
 3 safety, division of state patrol, prior to turning over
 4 the automobiles to the department of administrative
 5 services to be disposed of by public auction, and
 6 the Iowa law enforcement academy may exchange any
 7 automobile owned by the academy for each automobile
 8 selected if the selected automobile is used in training
 9 law enforcement officers at the academy. However,
 10 any automobile exchanged by the academy shall be
 11 substituted for the selected vehicle of the department
 12 of public safety and sold by public auction with the
 13 receipts being deposited in the depreciation fund to
 14 the credit of the department of public safety, division
 15 of state patrol.

16 Sec. 7. 2011 Iowa Acts, chapter 134, section 40, is
 17 amended to read as follows:

18 SEC. 40. STATE PUBLIC DEFENDER. There is
 19 appropriated from the general fund of the state to the
 20 office of the state public defender of the department
 21 of inspections and appeals for the fiscal year
 22 beginning July 1, 2012, and ending June 30, 2013, the
 23 following amounts, or so much thereof as is necessary,
 24 to be allocated as follows for the purposes designated:

25 1. For salaries, support, maintenance,
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:
 28 \$ 12,541,501
 29 25,862,182
 30 FTEs 219.00

31 2. For ~~the fees of court appointed attorneys for~~
 32 ~~indigent payments on behalf of eligible adults and~~
 33 ~~juveniles from the indigent defense fund,~~ in accordance
 34 with section ~~232.141 and chapter 815~~ 815.11:
 35 \$ 15,340,464
 36 29,901,929

37 Sec. 8. 2011 Iowa Acts, chapter 134, section 41, is
 38 amended to read as follows:

39 SEC. 41. BOARD OF PAROLE. There is appropriated
 40 from the general fund of the state to the board of
 41 parole for the fiscal year beginning July 1, 2012, and
 42 ending June 30, 2013, the following amount, or so much
 43 thereof as is necessary, to be used for the purposes
 44 designated:

45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-time
 47 equivalent positions:
 48 \$ 526,018
 49 1,203,835
 50 FTEs 12.50

13.00

1
2 Sec. 9. 2011 Iowa Acts, chapter 134, section 42, is
3 amended to read as follows:

4 SEC. 42. DEPARTMENT OF PUBLIC DEFENSE. There is
5 appropriated from the general fund of the state to
6 the department of public defense for the fiscal year
7 beginning July 1, 2012, and ending June 30, 2013, the
8 following amounts, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 1. MILITARY DIVISION

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

14	\$	<u>2,763,521</u>
15		<u>5,675,042</u>
16	FTEs	<u>313.00</u>
17		<u>297.01</u>

18 The military division may temporarily exceed
19 and draw more than the amount appropriated in this
20 subsection and incur a negative cash balance as long
21 as there are receivables of federal funds equal to
22 or greater than the negative balance and the amount
23 appropriated in this subsection is not exceeded at the
24 close of the fiscal year.

25 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
26 DIVISION

27 For salaries, support, maintenance, miscellaneous
28 purposes, and for not more than the following full-time
29 equivalent positions:

30	\$	<u>918,430</u>
31		<u>1,836,877</u>
32	FTEs	<u>40.00</u>
33		<u>35.34</u>

34 For statewide flood mitigation:

35	\$	<u>100,000</u>
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36 a. The homeland security and emergency management
37 division may temporarily exceed and draw more than
38 the ~~amount~~ amounts appropriated in this subsection
39 and incur a negative cash balance as long as there
40 are receivables of federal funds equal to or greater
41 than the negative balance and the ~~amount~~ amounts
42 appropriated in this subsection ~~is~~ are not exceeded at
43 the close of the fiscal year.

44 b. It is the intent of the general assembly that
45 the homeland security and emergency management division
46 work in conjunction with the department of public
47 safety, to the extent possible, when gathering and
48 analyzing information related to potential domestic
49 or foreign security threats, and when monitoring such
50 threats.

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1 Sec. 10. 2011 Iowa Acts, chapter 134, section 43,
 2 is amended to read as follows:

3 SEC. 43. DEPARTMENT OF PUBLIC SAFETY. There is
 4 appropriated from the general fund of the state to
 5 the department of public safety for the fiscal year
 6 beginning July 1, 2012, and ending June 30, 2013, the
 7 following amounts, or so much thereof as is necessary,
 8 to be used for the purposes designated:

9 1. For the department's administrative functions,
 10 including the criminal justice information system, and
 11 for not more than the following full-time equivalent
 12 positions:

13	\$	<u>2,003,538</u>
14		<u>4,007,075</u>
15	FTEs	36.00

16 2. For the division of criminal investigation,
 17 including the state's contribution to the peace
 18 officers' retirement, accident, and disability system
 19 provided in chapter 97A in the amount of the state's
 20 normal contribution rate, as defined in section
 21 97A.8, multiplied by the salaries for which the
 22 funds are appropriated, to meet federal fund matching
 23 requirements, and for not more than the following
 24 full-time equivalent positions:

25	\$	<u>6,266,966</u>
26		<u>12,533,931</u>
27	FTEs	<u>159.10</u>
28		<u>154.60</u>

29 The department shall employ one additional special
 30 agent and one additional criminalist for the purpose
 31 of investigating cold cases. Prior to employing the
 32 additional special agent and criminalist authorized
 33 in this paragraph, the department shall provide a
 34 written statement to prospective employees that states
 35 to the effect that the positions are being funded by
 36 a temporary federal grant and there are no assurances
 37 that funds from other sources will be available after
 38 the federal funding expires. If the federal funding
 39 for the additional positions expires during the fiscal
 40 year, the number of full-time equivalent positions
 41 authorized in this subsection is reduced by 2.00 FTEs.

42 3. For the criminalistics laboratory fund created
 43 in section 691.9:

44	\$	<u>151,173</u>
45		<u>302,345</u>

46 4. a. For the division of narcotics enforcement,
 47 including the state's contribution to the peace
 48 officers' retirement, accident, and disability system
 49 provided in chapter 97A in the amount of the state's
 50 normal contribution rate, as defined in section

1	97A.8, multiplied by the salaries for which the	
2	funds are appropriated, to meet federal fund matching	
3	requirements, and for not more than the following	
4	full-time equivalent positions:	
5	..... \$	<u>3,214,942</u>
6		<u>6,429,884</u>
7	..... FTEs	<u>74.00</u>
8		<u>68.00</u>
9	b. For the division of narcotics enforcement for	
10	undercover purchases:	
11	..... \$	<u>54,521</u>
12		<u>109,042</u>
13	5. For the division of state fire marshal, for fire	
14	protection services as provided through the state fire	
15	service and emergency response council as created in	
16	the department, and for the state's contribution to the	
17	peace officers' retirement, accident, and disability	
18	system provided in chapter 97A in the amount of the	
19	state's normal contribution rate, as defined in section	
20	97A.8, multiplied by the salaries for which the funds	
21	are appropriated, and for not more than the following	
22	full-time equivalent positions:	
23	..... \$	<u>2,149,354</u>
24		<u>4,298,707</u>
25	..... FTEs	<u>55.00</u>
26		<u>54.00</u>
27	6. For the division of state patrol, for salaries,	
28	support, maintenance, workers' compensation costs,	
29	and miscellaneous purposes, including the state's	
30	contribution to the peace officers' retirement,	
31	accident, and disability system provided in chapter 97A	
32	in the amount of the state's normal contribution rate,	
33	as defined in section 97A.8, multiplied by the salaries	
34	for which the funds are appropriated, and for not more	
35	than the following full-time equivalent positions:	
36	..... \$	<u>25,951,617</u>
37		<u>52,403,233</u>
38	..... FTEs	<u>513.00</u>
39		<u>502.00</u>
40	It is the intent of the general assembly that	
41	members of the state patrol be assigned to patrol	
42	the highways and roads in lieu of assignments for	
43	inspecting school buses for the school districts.	
44	7. For deposit in the sick leave benefits fund	
45	established under section 80.42 for all departmental	
46	employees eligible to receive benefits for accrued sick	
47	leave under the collective bargaining agreement:	
48 \$	<u>139,759</u>
49		<u>279,517</u>
50	8. For costs associated with the training and	

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1 equipment needs of volunteer fire fighters:
 2 \$ 362,760
 3 795,520
 4 a. Notwithstanding section 8.33, moneys
 5 appropriated in this subsection that remain
 6 unencumbered or unobligated at the close of the fiscal
 7 year shall not revert but shall remain available for
 8 expenditure only for the purpose designated in this
 9 subsection until the close of the succeeding fiscal
 10 year.
 11 b. Notwithstanding section 8.39, within the
 12 moneys appropriated in this section, the department
 13 of public safety may reallocate moneys as necessary
 14 to best fulfill the needs provided for in the
 15 appropriation. However, the department shall not
 16 reallocate an appropriation made to the department
 17 in this section unless notice of the reallocation
 18 is given to the legislative services agency and
 19 the department of management prior to the effective
 20 date of the reallocation. The notice shall include
 21 information regarding the rationale for reallocating
 22 the appropriation. The department shall not reallocate
 23 an appropriation made in this section for the purpose
 24 of eliminating any program.
 25 Sec. 11. 2011 Iowa Acts, chapter 134, section 44,
 26 is amended to read as follows:
 27 SEC. 44. GAMING ENFORCEMENT.
 28 1. There is appropriated from the gaming
 29 enforcement revolving fund created in section 80.43 to
 30 the department of public safety for the fiscal year
 31 beginning July 1, 2012, and ending June 30, 2013, the
 32 following amount, or so much thereof as is necessary,
 33 to be used for the purposes designated:
 34 For any direct ~~and indirect~~ support costs for
 35 agents and officers of the division of criminal
 36 investigation's excursion gambling boat, gambling
 37 structure, and racetrack enclosure enforcement
 38 activities, including salaries, support, maintenance,
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:
 41 \$ 4,018,153
 42 10,335,709
 43 FTEs 120.00
 44 115.00
 45 2. For each additional license to conduct gambling
 46 games on an excursion gambling boat, gambling
 47 structure, or racetrack enclosure issued during
 48 the fiscal year beginning July 1, 2012, there is
 49 appropriated from the gaming enforcement fund to
 50 the department of public safety for the fiscal year

1 beginning July 1, 2012, and ending June 30, 2013, an
2 additional amount of not more than \$521,000 to be used
3 for not more than 6.00 additional full-time equivalent
4 positions.

5 3. The department of public safety, with the
6 approval of the department of management, may employ
7 no more than two special agents and four gaming
8 enforcement officers for each additional riverboat
9 or gambling structure regulated after July 1, 2012,
10 and one special agent for each racing facility which
11 becomes operational during the fiscal year which
12 begins July 1, 2012. One additional gaming enforcement
13 officer, up to a total of four per riverboat or
14 gambling structure, may be employed for each riverboat
15 or gambling structure that has extended operations to
16 24 hours and has not previously operated with a 24-hour
17 schedule. Positions authorized in this subsection
18 are in addition to the full-time equivalent positions
19 otherwise authorized in this section.

20 Sec. 12. 2011 Iowa Acts, chapter 134, section 45,
21 is amended to read as follows:

22 SEC. 45. CIVIL RIGHTS COMMISSION. There is
23 appropriated from the general fund of the state to the
24 Iowa state civil rights commission for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the
26 following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:

28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	648,535
32		<u>1,297,069</u>
33	FTEs	28.00

34 The Iowa state civil rights commission may enter
35 into a contract with a nonprofit organization to
36 provide legal assistance to resolve civil rights
37 complaints.

38 Sec. 13. 2011 Iowa Acts, chapter 134, is amended by
39 adding the following new section:

40 NEW SECTION. SEC. 45A. DIVISION OF CRIMINAL AND
41 JUVENILE JUSTICE PLANNING — APPROPRIATION. There is
42 appropriated from the general fund of the state to the
43 division of criminal and juvenile justice planning of
44 the department of human rights for the fiscal year
45 beginning July 1, 2012, and ending June 30, 2013, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated:

48 For criminal and juvenile justice research:		
49	\$	80,000
50	FTEs	1.00

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1 Sec. 14. 2011 Iowa Acts, chapter 134, section 46,
2 is amended to read as follows:

3 SEC. 46. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
4 DIVISION. There is appropriated from the wireless
5 E911 emergency communications fund created in section
6 34A.7A to the administrator of the homeland security
7 and emergency management division of the department of
8 public defense for the fiscal year beginning July 1,
9 2012, and ending June 30, 2013, an amount not exceeding
10 ~~\$200,000~~ \$250,000 to be used for implementation,
11 support, and maintenance of the functions of the
12 administrator and program manager under chapter 34A and
13 to employ the auditor of the state to perform an annual
14 audit of the wireless E911 emergency communications
15 fund.

16 Sec. 15. Section 80.18, unnumbered paragraph 2,
17 Code 2011, is amended to read as follows:

18 The department may expend moneys from the support
19 allocation of the department as reimbursement for
20 replacement or repair of personal items of the
21 department's peace officers or employees damaged or
22 destroyed during a peace officer's or employee's course
23 of employment. However, the reimbursement shall not
24 exceed the greater of ~~one hundred fifty~~ two hundred
25 dollars or the amount agreed to under the collective
26 bargaining agreement for each item. The department
27 shall adopt rules in accordance with chapter 17A to
28 administer this paragraph.

29 Sec. 16. Section 80.43, subsection 1, Code 2011, is
30 amended to read as follows:

31 1. A gaming enforcement revolving fund is created
32 in the state treasury under the control of the
33 department. The fund shall consist of fees collected
34 and deposited into the fund paid by licensees pursuant
35 to section 99D.14, subsection 2, paragraph "b", and
36 fees paid by licensees pursuant to section 99F.10,
37 subsection 4, paragraph "b". All costs for agents and
38 officers plus any direct ~~and indirect~~ support costs for
39 such agents and officers of the division of criminal
40 investigation's racetrack, excursion boat, or gambling
41 structure enforcement activities shall be paid from
42 the fund as provided in appropriations made for this
43 purpose by the general assembly.

44 Sec. 17. Section 85.67, Code 2011, is amended to
45 read as follows:

46 85.67 Administration of fund — special counsel —
47 payment of award.

48 The attorney general shall appoint a staff member to
49 represent the treasurer of state and the fund in all
50 proceedings and matters arising under this division.

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1 The attorney general shall be reimbursed up to ~~one~~
2 ~~hundred fifty two hundred~~ thousand dollars annually
3 from the fund for services provided related to the
4 fund. The commissioner of insurance shall consider the
5 reimbursement to the attorney general as an outstanding
6 liability when making a determination of funding
7 availability under section 85.65A, subsection 2. In
8 making an award under this division, the workers'
9 compensation commissioner shall specifically find the
10 amount the injured employee shall be paid weekly, the
11 number of weeks of compensation which shall be paid by
12 the employer, the date upon which payments out of the
13 fund shall begin, and, if possible, the length of time
14 the payments shall continue.

15 Sec. 18. Section 99D.14, subsection 2, paragraph b,
16 Code Supplement 2011, is amended to read as follows:

17 b. Notwithstanding sections 8.60 and 99D.17, the
18 portion of the fee paid pursuant to paragraph "a"
19 relating to the costs of special agents plus any
20 direct and indirect support costs for the agents, for
21 the division of criminal investigation's racetrack
22 activities, ~~shall not be deposited in the general~~
23 ~~fund of the state but instead~~ shall be deposited into
24 the gaming enforcement revolving fund established
25 in section 80.43. However, the department of public
26 safety shall transfer, on an annual basis, the portion
27 of the regulatory fee attributable to the indirect
28 support costs of the special agents to the general fund
29 of the state.

30 Sec. 19. Section 99F.10, subsection 4, paragraph b,
31 Code Supplement 2011, is amended to read as follows:

32 b. Notwithstanding sections 8.60 and 99F.4, the
33 portion of the fee paid pursuant to paragraph "a"
34 relating to the costs of special agents and officers
35 plus any direct and indirect support costs for the
36 agents and officers, for the division of criminal
37 investigation's excursion gambling boat or gambling
38 structure activities, ~~shall not be deposited in~~
39 ~~the general fund of the state but instead~~ shall be
40 deposited into the gaming enforcement revolving fund
41 established in section 80.43. However, the department
42 of public safety shall transfer, on an annual basis,
43 the portion of the regulatory fee attributable to the
44 indirect support costs of the special agents and gaming
45 enforcement officers to the general fund of the state.

46 Sec. 20. Section 654.4B, subsection 2, paragraph b,
47 Code Supplement 2011, is amended to read as follows:

48 b. This subsection is repealed July 1, ~~2012~~ 2013.

49 Sec. 21. EFFECTIVE UPON ENACTMENT. The following
50 provisions of this Act, being deemed of immediate

Page 17

- 1 importance, take effect upon enactment:
- 2 1. The section of this Act amending section 80.43,
- 3 subsection 1.
- 4 2. The section of this Act amending section 99D.14,
- 5 subsection 2, paragraph "b".
- 6 3. The section of this Act amending section 99F.10,
- 7 subsection 4.>

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, Chair

S-5057

1 Amend House File 2336, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:

<DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

GENERAL APPROPRIATIONS FOR FY 2012-2013

8 Section 1. 2011 Iowa Acts, chapter 128, section 46,
9 is amended to read as follows:

10 SEC. 46. GENERAL FUND — DEPARTMENT.

11 1. There is appropriated from the general fund of
 12 the state to the department of agriculture and land
 13 stewardship for the fiscal year beginning July 1, 2012,
 14 and ending June 30, 2013, the following amount, or
 15 so much thereof as is necessary, to be used for the
 16 purposes designated:

17 For purposes of supporting the department, including
 18 its divisions, for administration, regulation, and
 19 programs; for salaries, support, maintenance, and
 20 miscellaneous purposes; and for not more than the
 21 following full-time equivalent positions:

.....	\$	<u>8,248,654</u>
.....		<u>16,497,308</u>
.....	FTEs	366.00

25 2. The department shall submit a report each
 26 quarter of the fiscal year to the legislative services
 27 agency, the department of management, the members of
 28 the joint appropriations subcommittee on agriculture
 29 and natural resources, and the chairpersons and
 30 ranking members of the senate and house committees on
 31 appropriations. The report shall describe in detail
 32 the expenditure of moneys appropriated in this section
 33 to support the department's administration, regulation,
 34 and programs.

35 3. Of the amount appropriated in this section,
 36 ~~\$119,000~~ ~~\$238,000~~ is transferred to Iowa state
 37 university of science and technology, to be used

38 for the university’s midwest grape and wine industry
39 institute.

40 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

41 Sec. 2. 2011 Iowa Acts, chapter 128, section 47, is
42 amended to read as follows:

43 SEC. 47. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —

44 HORSE AND DOG RACING. There is appropriated from the
45 moneys available under section 99D.13 to the department
46 of agriculture and land stewardship for the fiscal year
47 beginning July 1, 2012, and ending June 30, 2013, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 For purposes of supporting the department’s

Page 2

1	administration and enforcement of horse and dog racing	
2	law pursuant to section 99D.22, including for salaries,	
3	support, maintenance, and miscellaneous purposes:	
4	.....	\$ 152,758
5		<u>305,516</u>

6 DESIGNATED APPROPRIATIONS — MOTOR FUEL

7 Sec. 3. 2011 Iowa Acts, chapter 128, section 48, is
8 amended to read as follows:

9 SEC. 48. RENEWABLE FUEL INFRASTRUCTURE FUND —

10 MOTOR FUEL INSPECTION. There is appropriated from the
11 renewable fuel infrastructure fund created in section
12 ~~15C.205~~ 159A.16 to the department of agriculture and
13 land stewardship for the fiscal year beginning July 1,
14 2012, and ending June 30, 2013, the following amount,
15 or so much thereof as is necessary, to be used for the
16 purposes designated:

17 For purposes of the inspection of motor fuel,
18 including salaries, support, maintenance, and
19 miscellaneous purposes:

20	.....	\$ 250,000
21		<u>500,000</u>

22 The department shall establish and administer
23 programs for the auditing of motor fuel including
24 biofuel processing and production plants, for screening
25 and testing motor fuel, including renewable fuel,
26 and for the inspection of motor fuel sold by dealers
27 including retail dealers who sell and dispense motor
28 fuel from motor fuel pumps.

29 SPECIAL APPROPRIATIONS

30 Sec. 4. 2011 Iowa Acts, chapter 128, is amended by
31 adding the following new section:

32 NEW SECTION. SEC. 48A. GENERAL FUND — DAIRY

33 REGULATION. There is appropriated from the general
34 fund of the state to the department of agriculture and
35 land stewardship for the fiscal year beginning July 1,
36 2012, and ending June 30, 2013, the following amount,

37 or so much thereof as is necessary, to be used for the
38 purposes designated:

39 1. For purposes of performing functions pursuant to
40 section 192.109, including conducting a survey of grade
41 "A" milk and certifying the results to the secretary
42 of agriculture:

43 \$ 189,196

44 2. Notwithstanding section 8.33, moneys
45 appropriated for the fiscal year beginning July 1,
46 2012, in this section that remain unencumbered or
47 unobligated at the close of the fiscal year shall not
48 revert but shall remain available to be used for the
49 purposes designated until the close of the succeeding
50 fiscal year.

Page 3

1 Sec. 5. 2011 Iowa Acts, chapter 131, section 81, is
2 amended to read as follows:

3 SEC. 81. APPROPRIATION — FARMERS WITH
4 DISABILITIES. There is appropriated from the general
5 fund of the state to the department of agriculture and
6 land stewardship for the following fiscal years, the
7 following amounts, or so much thereof as is necessary,
8 for a program for farmers with disabilities:

9 FY 2011–2012 \$ 97,000
10 FY 2012–2013 \$ 48,500
11 97,000

12 The moneys appropriated in this section shall be
13 used for the public purpose of providing a grant to
14 a national nonprofit organization with over 80 years
15 of experience in assisting children and adults with
16 disabilities and special needs. The moneys shall
17 be used to support a nationally recognized program
18 that began in 1986 and has been replicated in at
19 least 30 other states, but which is not available
20 through any other entity in this state, and that
21 provides assistance to farmers with disabilities in
22 all 99 counties to allow the farmers to remain in
23 their own homes and be gainfully engaged in farming
24 through provision of agricultural worksite and home
25 modification consultations, peer support services,
26 services to families, information and referral, and
27 equipment loan services. Notwithstanding section
28 8.33, moneys appropriated in this section that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purposes designated until the close
32 of the succeeding fiscal year.

33 DIVISION II
34 DEPARTMENT OF NATURAL RESOURCES
35 GENERAL APPROPRIATIONS FOR FY 2012–2013

36 Sec. 6. 2011 Iowa Acts, chapter 128, section 49, is
37 amended to read as follows:

38 SEC. 49. GENERAL FUND — DEPARTMENT.

39 1. There is appropriated from the general fund of
40 the state to the department of natural resources for
41 the fiscal year beginning July 1, 2012, and ending June
42 30, 2013, the following amount, or so much thereof as
43 is necessary, to be used for the purposes designated:

44 For purposes of supporting the department, including
45 its divisions, for administration, regulation, and
46 programs; for salaries, support, maintenance, and
47 miscellaneous purposes; and for not more than the
48 following full-time equivalent positions:

49 \$ 6,133,344
50 12,466,688

Page 4

1 FTEs 1,145.95

2 2. Of the number of full-time equivalent positions
3 authorized to the department pursuant to subsection 1,
4 50.00 full-time equivalent positions shall be allocated
5 by the department for seasonal employees for purposes
6 of providing maintenance, upkeep, and sanitary services
7 at state parks. This subsection shall not impact park
8 ranger positions within the department.

9 3. The department shall submit a report each
10 quarter of the fiscal year to the legislative services
11 agency, the department of management, the members of
12 the joint appropriations subcommittee on agriculture
13 and natural resources, and the chairpersons and
14 ranking members of the senate and house committees on
15 appropriations. The report shall describe in detail
16 the expenditure of moneys appropriated under this
17 section to support the department's administration,
18 regulation, and programs.

19 Sec. 7. 2011 Iowa Acts, chapter 128, section 50, is
20 amended to read as follows:

21 SEC. 50. STATE FISH AND GAME PROTECTION FUND —
22 DIVISION OF FISH AND WILDLIFE.

23 1. There is appropriated from the state fish and
24 game protection fund to the department of natural
25 resources for the fiscal year beginning July 1, 2012,
26 and ending June 30, 2013, the following amount, or
27 so much thereof as is necessary, to be used for the
28 purposes designated:

29 For purposes of supporting the division of fish and
30 wildlife, including for administration, regulation,
31 and programs; and for salaries, support, maintenance,
32 equipment, and miscellaneous purposes:

33 \$ 19,396,577
34 39,951,171

35 2. Notwithstanding section 455A.10, the department
36 may use the unappropriated balance remaining in the
37 state fish and game protection fund to provide for the
38 funding of health and life insurance premium payments
39 from unused sick leave balances of conservation peace
40 officers employed in a protection occupation who
41 retire, pursuant to section 97B.49B.

42 ~~3. Notwithstanding section 455A.10, the department
43 of natural resources may use the unappropriated
44 balance remaining in the state fish and game protection
45 fund for the fiscal year beginning July 1, 2012,
46 and ending June 30, 2013, as is necessary to fund
47 salary adjustments for departmental employees which
48 the general assembly has made an operating budget
49 appropriation for in subsection 1.~~

50 Sec. 8. 2011 Iowa Acts, chapter 128, section 51, is

Page 5

1 amended to read as follows:

2 SEC. 51. GROUNDWATER PROTECTION FUND — WATER

3 QUALITY. There is appropriated from the groundwater
4 protection fund created in section 455E.11 to the
5 department of natural resources for the fiscal year
6 beginning July 1, 2012, and ending June 30, 2013, from
7 those moneys which are not allocated pursuant to that
8 section, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For purposes of supporting the department's
11 protection of the state's groundwater, including
12 for administration, regulation, and programs, and
13 for salaries, support, maintenance, equipment, and
14 miscellaneous purposes:

15 \$ 1,727,916
16 3,455,832

17 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

18 Sec. 9. 2011 Iowa Acts, chapter 128, section 52, is
19 amended to read as follows:

20 SEC. 52. SPECIAL SNOWMOBILE FUND — SNOWMOBILE

21 PROGRAM. There is appropriated from the special
22 snowmobile fund created under section 321G.7 to the
23 department of natural resources for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the
25 following amount, or so much thereof as is necessary,
26 to be used for the purpose designated:

27 For purposes of administering and enforcing the
28 state snowmobile programs:
29 \$ 50,000
30 100,000

31 Sec. 10. 2011 Iowa Acts, chapter 128, section 53,
32 is amended to read as follows:

33 SEC. 53. UNASSIGNED REVENUE FUND — UNDERGROUND

34 STORAGE TANK SECTION EXPENSES. There is appropriated
 35 from the unassigned revenue fund administered by the
 36 Iowa comprehensive underground storage tank fund
 37 board to the department of natural resources for the
 38 fiscal year beginning July 1, 2012, and ending June 30,
 39 2013, the following amount, or so much thereof as is
 40 necessary, to be used for the purpose designated:

41 For purposes of paying for administration expenses
 42 of the department's underground storage tank section:
 43 \$ 100,000
 44 200,000

45 SPECIAL APPROPRIATIONS

46 Sec. 11. 2011 Iowa Acts, chapter 128, is amended by
 47 adding the following new section:

48 NEW SECTION. SEC. 54A. GENERAL FUND — FLOODPLAIN
 49 MANAGEMENT AND DAM SAFETY.

50 1. There is appropriated from the general fund of

Page 6

1 the state to the department of natural resources for
 2 the fiscal year beginning July 1, 2012, and ending June
 3 30, 2013, the following amount, or so much thereof as
 4 is necessary, to be used for the purpose designated:

5 For purposes of supporting floodplain management and
 6 dam safety:
 7 \$ 2,000,000

8 2. Of the amount appropriated in subsection 1, up
 9 to \$400,000 may be used by the department to acquire
 10 or install stream gages for purposes of tracking and
 11 predicting flood events and for compiling necessary
 12 data to improve flood frequency analysis.

13 3. Notwithstanding section 8.33, moneys
 14 appropriated in subsection 1 that remain unencumbered
 15 or unobligated at the close of the fiscal year shall
 16 not revert but shall remain available for expenditure
 17 for the purposes designated until the close of the
 18 fiscal year beginning July 1, 2013.

19 Sec. 12. 2011 Iowa Acts, chapter 128, is amended by
 20 adding the following new section:

21 NEW SECTION. SEC. 54B. STATE FISH AND GAME
 22 PROTECTION FUND — FISH CLEANING STATION. There is
 23 appropriated from the state fish and game protection
 24 fund to the department of natural resources for the
 25 fiscal year beginning July 1, 2012, and ending June 30,
 26 2013, the following amount, or so much thereof as is
 27 necessary, to be used for the purposes designated:

28 For purposes of supporting a fish cleaning station
 29 which is located in Guttenburg, Iowa, and operated by
 30 the department:
 31 \$ 15,000

33 IOWA STATE UNIVERSITY
 34 APPROPRIATION FOR FY 2012-2013
 35 Sec. 13. 2011 Iowa Acts, chapter 128, section 55,
 36 is amended to read as follows:
 37 SEC. 55. GENERAL FUND — VETERINARY DIAGNOSTIC
 38 LABORATORY.

39 1. There is appropriated from the general fund
 40 of the state to Iowa state university of science and
 41 technology for the fiscal year beginning July 1, 2012,
 42 and ending June 30, 2013, the following amount, or
 43 so much thereof as is necessary, to be used for the
 44 purposes designated:

45 For purposes of supporting the college of veterinary
 46 medicine for the operation of the veterinary diagnostic
 47 laboratory and for not more than the following
 48 full-time equivalent positions:

49	\$	<u>1,618,818</u>
50		<u>3,237,636</u>

Page 7

1	FTEs	50.00
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2 2. a. Iowa state university of science and
 3 technology shall not reduce the amount that it
 4 allocates to support the college of veterinary medicine
 5 from any other source due to the appropriation made in
 6 this section.

7 b. Paragraph “a” does not apply to a reduction made
 8 to support the college of veterinary medicine, if the
 9 same percentage of reduction imposed on the college
 10 of veterinary medicine is also imposed on all of Iowa
 11 state university’s budget units.

12 3. If by June 30, 2013, Iowa state university
 13 of science and technology fails to allocate the
 14 moneys appropriated in this section to the college of
 15 veterinary medicine in accordance with this section,
 16 the moneys appropriated in this section for that fiscal
 17 year shall revert to the general fund of the state.

18 DIVISION IV
 19 ENVIRONMENT FIRST FUND
 20 GENERAL APPROPRIATIONS FOR FY 2012-2013

21 Sec. 14. 2011 Iowa Acts, chapter 128, section 57,
 22 is amended to read as follows:

23 SEC. 57. DEPARTMENT OF AGRICULTURE AND LAND
 24 STEWARDSHIP. There is appropriated from the

25 environment first fund created in section 8.57A to the
 26 department of agriculture and land stewardship for the
 27 fiscal year beginning July 1, 2012, and ending June 30,
 28 2013, the following amounts, or so much thereof as is
 29 necessary, to be used for the purposes designated:

30 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
 31 a. For the conservation reserve enhancement program

32 to restore and construct wetlands for the purposes of
 33 intercepting tile line runoff, reducing nutrient loss,
 34 improving water quality, and enhancing agricultural
 35 production practices:
 36 \$ 500,000
 37 1,000,000

38 b. Not more than 10 percent of the moneys
 39 appropriated in paragraph “a” may be used for costs of
 40 administration and implementation of soil and water
 41 conservation practices.

42 c. Notwithstanding any other provision in law,
 43 the department may provide state resources from this
 44 appropriation, in combination with other appropriate
 45 environment first fund appropriations, for cost sharing
 46 to match United States department of agriculture,
 47 natural resources conservation service, wetlands
 48 reserve enhancement program (WREP) funding available
 49 to Iowa.

50 2. WATERSHED PROTECTION

Page 8

1 a. For continuation of a program that provides
 2 multiobjective resource protections for flood control,
 3 water quality, erosion control, and natural resource
 4 conservation:
 5 \$ 450,000
 6 900,000

7 b. Not more than 10 percent of the moneys
 8 appropriated in paragraph “a” may be used for costs of
 9 administration and implementation of soil and water
 10 conservation practices.

11 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

12 a. For continuation of a statewide voluntary farm
 13 management demonstration program to demonstrate the
 14 effectiveness and adaptability of emerging practices in
 15 agronomy that protect water resources and provide other
 16 environmental benefits:
 17 \$ 312,500
 18 625,000

19 b. Not more than 10 percent of the moneys
 20 appropriated in paragraph “a” may be used for costs of
 21 administration and implementation of soil and water
 22 conservation practices.

23 c. Of the amount appropriated in paragraph “a”,
 24 ~~\$185,000~~ \$370,000 shall be allocated to an organization
 25 representing soybean growers to provide for an
 26 agriculture and environment performance program in
 27 order to carry out the purposes of this subsection as
 28 specified in paragraph “a”.

29 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

30 For use by the department for costs of

31 administration and implementation of soil and water
 32 conservation practices:
 33 \$ 1,000,000
 34 2,000,000

35 5. CONSERVATION RESERVE PROGRAM (CRP)
 36 a. To encourage and assist farmers in enrolling
 37 in and the implementation of the federal conservation
 38 reserve program and to work with them to enhance their
 39 revegetation efforts to improve water quality and
 40 habitat:
 41 \$ 500,000
 42 1,000,000

43 b. Not more than 10 percent of the moneys
 44 appropriated in paragraph “a” may be used for costs of
 45 administration and implementation of soil and water
 46 conservation practices.

47 6. SOIL AND WATER CONSERVATION
 48 a. For use by the department in providing for soil
 49 and water conservation administration, the conservation
 50 of soil and water resources, or the support of soil and

Page 9

1 water conservation district commissioners:
 2 \$ 3,150,000
 3 6,656,250

4 b. Not more than 5 percent of the moneys
 5 appropriated in paragraph “a” may be allocated for
 6 cost sharing to address complaints filed under section
 7 161A.47.

8 c. Of the moneys appropriated in paragraph “a”,
 9 5 percent shall be allocated for financial incentives
 10 to establish practices to protect watersheds above
 11 publicly owned lakes of the state from soil erosion and
 12 sediment as provided in section 161A.73.

13 d. Not more than 30 percent of a soil and water
 14 conservation district’s allocation of moneys as
 15 financial incentives may be provided for the purpose
 16 of establishing management practices to control soil
 17 erosion on land that is row cropped, including but
 18 not limited to no-till planting, ridge-till planting,
 19 contouring, and contour strip-cropping as provided in
 20 section 161A.73.

21 e. The state soil conservation committee
 22 established by section 161A.4 may allocate moneys
 23 appropriated in paragraph “a” to conduct research and
 24 demonstration projects to promote conservation tillage
 25 and nonpoint source pollution control practices.

26 f. The allocation of moneys as financial incentives
 27 as provided in section 161A.73 may be used in
 28 combination with moneys allocated by the department of
 29 natural resources.

30 g. Not more than 15 percent of the moneys
31 appropriated in paragraph "a" may be used for costs of
32 administration and implementation of soil and water
33 conservation practices.

34 h. In lieu of moneys appropriated in section
35 466A.5, not more than \$50,000 of the moneys
36 appropriated in paragraph "a" shall be used by the soil
37 conservation division of the department of agriculture
38 and land stewardship to provide administrative support
39 to the watershed improvement review board established
40 in section 466A.3.

41 7. LOCAL FOOD AND FARM PROGRAM ~~COORDINATOR~~

42 a. For purposes of supporting a local food and farm
43 program ~~coordinator~~ as established pursuant to ~~new Code~~
44 chapter 267A ~~as enacted in this Act~~, for salaries,
45 support, maintenance, and miscellaneous purposes:

46 \$ 37,500
47 75,000

48 b. The department shall enter into a cost-sharing
49 agreement with Iowa state university to support the
50 local food and farm program coordinator position as

Page 10

1 part of the university's cooperative extension service
2 in agriculture and home economics pursuant to ~~new Code~~
3 chapter 267A ~~as enacted in this Act~~.

4 8. AGRICULTURAL EDUCATION

5 For purposes of allocating moneys to an Iowa
6 association affiliated with a national organization
7 which promotes agricultural education providing for
8 future farmers:

9 \$ 12,500
10 25,000

11 9. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

12 a. For deposit in the loess hills development and
13 conservation fund created in section 161D.2:

14 \$ 237,500
15 118,750

16 ~~b. (1) Of the amount appropriated in paragraph~~
17 ~~"a", \$178,125 shall be allocated to the fund's hungry~~
18 ~~canyons account.~~

19 ~~(2) Not more than 10 percent of the moneys~~
20 ~~allocated to the hungry canyons account as provided in~~
21 ~~subparagraph (1) may be used for administrative costs.~~

22 c. (1) Of the amount appropriated in paragraph
23 "a", ~~\$50,375~~ \$118,750 shall be allocated to the fund's
24 loess hills alliance account.

25 (2) Not more than 10 percent of the moneys
26 allocated to the loess hills alliance account
27 as provided in subparagraph (1) may be used for
28 administrative costs.

29 Sec. 15. 2011 Iowa Acts, chapter 128, section 58,
 30 is amended to read as follows:

31 SEC. 58. DEPARTMENT OF NATURAL RESOURCES. There is
 32 appropriated from the environment first fund created in
 33 section 8.57A to the department of natural resources
 34 for the fiscal year beginning July 1, 2012, and ending
 35 June 30, 2013, the following amounts, or so much
 36 thereof as is necessary, to be used for the purposes
 37 designated:

38 1. KEEPERS OF THE LAND

39 For statewide coordination of volunteer efforts
 40 under the water quality and keepers of the land
 41 programs:

42 \$ 50,000
 43 100,000

44 2. STATE PARKS MAINTENANCE AND OPERATIONS

45 For regular maintenance of state parks and staff
 46 time associated with these activities:

47 \$ 1,605,000
 48 3,210,000

49 3. FORESTRY HEALTH MANAGEMENT

50 To provide for forestry health management programs:

Page 11

1 \$ 50,000
 2 100,000

3 4. GEOGRAPHIC INFORMATION SYSTEM (GIS)

4 To provide local watershed managers with geographic
 5 information system data for their use in developing,
 6 monitoring, and displaying results of their watershed
 7 work:

8 \$ 97,500
 9 195,000

10 5. WATER QUALITY MONITORING

11 For continuing the establishment and operation of
 12 water quality monitoring stations:

13 \$ 1,477,500
 14 2,955,000

15 6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

16 For deposit in the public water supply system
 17 account of the water quality protection fund created
 18 in section 455B.183A:

19 \$ 250,000
 20 500,000

21 7. REGULATION OF ANIMAL FEEDING OPERATIONS

22 For the regulation of animal feeding operations,
 23 including as provided for in chapters 459 through 459B:

24 \$ 210,000
 25 420,000

26 8. AMBIENT AIR QUALITY

27 For the abatement, control, and prevention of

28	ambient air pollution in this state, including measures		
29	as necessary to assure attainment and maintenance of		
30	ambient air quality standards from particulate matter:		
31	.....	\$	<u>212,500</u>
32			<u>425,000</u>
33	9. WATER QUANTITY REGULATION		
34	For regulating water quantity from surface and		
35	subsurface sources by providing for the allocation and		
36	use of water resources, the protection and management		
37	of water resources, and the preclusion of conflicts		
38	among users of water resources, including as provided		
39	in chapter 455B, division III, part 4:		
40	.....	\$	<u>247,500</u>
41			<u>495,000</u>
42	10. GEOLOGICAL AND WATER SURVEY		
43	For continuing the operations of the department's		
44	geological and water survey including but not limited		
45	to providing analysis, data collection, investigative		
46	programs, and information for water supply development		
47	and protection:		
48	.....	\$	<u>100,000</u>
49			<u>200,000</u>
50			

DIVISION V

Page 12

1	RESOURCES ENHANCEMENT AND PROTECTION		
2	(REAP) FUND FOR FY 2012-2013		
3	GENERAL APPROPRIATIONS		
4	Sec. 16. 2011 Iowa Acts, chapter 128, is amended by		
5	adding the following new section:		
6	<u>NEW SECTION. SEC. 58A. ENVIRONMENT FIRST</u>		
7	<u>FUND. Notwithstanding the amount of the standing</u>		
8	<u>appropriation from the general fund of the state to</u>		
9	<u>the Iowa resources enhancement and protection fund as</u>		
10	<u>provided in section 455A.18, there is appropriated from</u>		
11	<u>the environment first fund created in section 8.57A to</u>		
12	<u>the Iowa resources enhancement and protection fund,</u>		
13	<u>in lieu of the appropriation made in section 455A.18,</u>		
14	<u>for the fiscal year beginning July 1, 2012, and ending</u>		
15	<u>June 30, 2013, the following amount, to be allocated as</u>		
16	<u>provided in section 455A.19:</u>		
17	.....	\$	12,000,000>

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, Chair

S-5058

- 1 Amend House File 2338, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 22, by striking <154,111,822> and

- 4 inserting <159,811,822>
5 2. Page 1, line 29, by striking <2,300,000> and
6 inserting <3,100,000>

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, Chair

S-5059

- 1 Amend Senate File 2275 as follows:
2 1. Page 1, line 14, by striking <operator> and
3 inserting <service provider>
4 2. Page 1, line 15, by striking <operating>
5 3. Page 1, line 15, by striking <with a> and
6 inserting <with an internet wagering>
7 4. Page 1, line 16, by striking <conduct> and
8 inserting <provide>
9 5. Page 3, line 1, by striking <operators> and
10 inserting <service providers>
11 6. Page 3, line 15, by striking <conduct> and
12 inserting <operate>
13 7. Page 3, line 18, by striking <operator> and
14 inserting <service provider>
15 8. Page 3, line 18, after <provided in> by
16 inserting <this section and>
17 9. Page 3, by striking lines 23 through 30 and
18 inserting <operate gambling games under this chapter
19 as determined by the commission. The issuance of a
20 license to>
21 10. Page 3, line 31, by striking <by more than one
22 licensee>
23 11. Page 4, line 5, by striking <through a single
24 internet site> and inserting <as determined by the
25 commission>
26 12. Page 4, line 13, by striking <conduct> and
27 inserting <operate>
28 13. Page 4, line 22, by striking <conduct> and
29 inserting <operate>
30 14. Page 4, after line 29 by inserting:
31 <0e. A qualified sponsoring organization licensed
32 to operate gambling games under this chapter that
33 is issued an individual or a single joint internet
34 wagering license shall make distributions of the
35 receipts from internet wagering on poker in the same
36 manner as provided in section 99F.6, subsection 4,
37 paragraph "a", subparagraph (2), or in the operating
38 agreement entered into by the qualified sponsoring
39 organization as provided in section 99F.5, whichever
40 is applicable.>
41 15. Page 4, after line 32 by inserting:
42 <3. A person holding a valid license pursuant to
43 chapter 99D or section 99F.7 is exempt from further

44 investigation and examination for licensing to operate
 45 internet wagering pursuant to this chapter. However,
 46 the commission may order future investigations or
 47 examinations as the commission finds appropriate.>
 48 16. Page 5, line 3, after <license.> by inserting
 49 <an internet wagering service provider license.>
 50 17. Page 5, lines 8 and 9, by striking <applicant,

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1 and internet wagering operator if applicable.> and
 2 inserting <applicant>
 3 18. Page 5, lines 10 and 11, by striking
 4 <applicant, or internet wagering operator if
 5 applicable.> and inserting <applicant>
 6 19. Page 5, lines 21 and 22, by striking <a
 7 gambling games licensee who submits an application> and
 8 inserting <an applicant>
 9 20. Title page, line 1, by striking <conduct> and
 10 inserting <operate>
 11 21. By renumbering as necessary.

JEFF DANIELSON

S-5060

1 Amend Senate File 2302 as follows:
 2 1. Page 1, line 11, after <awarded.> by inserting
 3 <This subsection does not apply to a request for
 4 bids or proposals for architectural or engineering
 5 services.>
 6 2. Page 1, line 12, after <12B.> by inserting <a.>
 7 3. Page 1, line 17, by striking <a.> and inserting
 8 <(1)>
 9 4. Page 1, line 19, by striking <b.> and inserting
 10 <(2)>
 11 5. Page 1, line 24, by striking <c.> and inserting
 12 <(3)>
 13 6. Page 1, line 27, by striking <d.> and inserting
 14 <(4)>
 15 7. Page 1, after line 29 by inserting:
 16 <b. This subsection does not apply to a request
 17 for bids or proposals for architectural or engineering
 18 services.>

SHAWN HAMERLINCK

S-5061

1 Amend Senate File 2315 as follows:
 2 1. Page 2, line 5, by striking <inpatient hospital
 3 services> and inserting <acute inpatient hospital

- 4 services and services provided in large institutional
5 settings>
- 6 2. Page 4, line 15, by striking <county,> and
7 inserting <county and region,>
- 8 3. Page 5, by striking lines 26 through 35 and
9 inserting:
10 <Sec. ____ Section 226.10, Code 2011, is amended to
11 read as follows:
12 226.10 Equal treatment.
13 The ~~several~~ patients of the state mental health
14 institutes, according to their different conditions
15 of mind and body, and their respective needs, shall
16 be provided for and treated with equal care. If in
17 addition to mental illness a patient has a co-occurring
18 intellectual disability, brain injury, or substance
19 abuse disorder or other special need, the care provided
20 shall also address the co-occurring needs.>
- 21 4. Page 6, by striking lines 8 through 10 and
22 inserting <by the state commission. The information
23 reported shall conform with the cost principles for
24 state, local, and Indian tribal governments issued by
25 the United States office of management and budget,
26 The information shall also segregate expenditures for
27 administration, purchase of service, and enterprise
28 costs in which the county is a service provider or
29 is directly billing and collecting payments and shall
30 be submitted on forms prescribed by the department
31 of management. If the department of human services
32 determines good>
- 33 5. Page 7, by striking line 11 and inserting
34 <subject to the approval of the>
- 35 6. Page 7, line 35, by striking <intellectual
36 disability> and inserting <intellectual or other
37 developmental disability>
- 38 7. Page 8, line 3, by striking <brain injury>
39 and inserting <a developmental disability other than
40 intellectual disability, brain injury,>
- 41 8. Page 8, line 14, by striking <clinical> and
42 inserting <functional>
- 43 9. Page 11, by striking lines 20 through 22.
- 44 10. Page 12, line 31, after <human services> by
45 inserting <in consultation with the state commission>
- 46 11. Page 13, by striking lines 11 through 13 and
47 inserting:
48 <c. The person has a diagnosis of intellectual
49 disability.>
- 50 12. Page 14, line 13, after <facility> by inserting

Page 2

- 1 <or to the individual's home>
2 13. Page 14, by striking lines 16 through 27 and
3 inserting:
4 <2. a. (1) A region shall work with service
5 providers to ensure that services are available to
6 residents of the region, regardless of potential
7 payment source for the services.
8 (2) The director of human services shall ensure
9 that funding through the medical assistance program
10 under chapter 249A is available to pay for the services
11 within the core service domains listed in subsection
12 4 to the greatest extent allowable under federal
13 regulation and shall ensure that eligible individuals
14 are enrolled in the medical assistance program as
15 efficiently as possible. Within funds available,
16 the region shall pay for such services for eligible
17 individuals when payment through the medical assistance
18 program or another third-party payment source is not
19 available, unless the individual is on a waiting list
20 for such payment or unless the medical assistance
21 program or its contractors have determined that the
22 individual does not meet the program's criteria for
23 such services.
24 (3) Until funding is designated for other service
25 populations, eligibility for the service domains
26 listed in this section shall be limited to such persons
27 who are in need of mental health or intellectual
28 disability services. However, if a county in a
29 region was providing services to an individual with
30 a developmental disability other than intellectual
31 disability or a brain injury prior to formation of the
32 region, the individual shall remain eligible for the
33 services provided when the region is formed, provided
34 that funds are available to continue such services.>
35 14. Page 16, by striking lines 4 and 5 and
36 inserting:
37 <5. A region shall ensure that access is available
38 to providers of core services that demonstrate
39 competencies necessary for all of the following:>
40 15. Page 16, line 20, after <facility> by inserting
41 <and community-based>
42 16. Page 16, line 22, by striking <Subacute
43 services> and inserting <Subacute services provided in
44 facility and community-based settings>
45 17. Page 17, by striking line 5 and inserting
46 <recognized as an evidence-based practice, is deemed
47 to be an emerging and promising practice, or providing
48 the services is part of a demonstration and will supply
49 evidence as to the services' effectiveness.>
50 18. Page 18, after line 20 by inserting:

Page 3

1 <Sec. ____ APPLICABILITY. The provisions of
2 this division of this Act amending chapter 225C are
3 applicable prior to July 1, 2013, for purposes of
4 adopting rules to be effective on or after July 1,
5 2013.

6 Sec. ____ EFFECTIVE DATE. The following provisions
7 of this Act take effect July 1, 2013:

8 1. The sections of this division of this Act
9 amending chapter 225C.>

10 19. By striking page 18, line 22, through page 22,
11 line 3, and inserting:

12 <REDESIGN PLANNING, SUPPORT, AND IMPLEMENTATION

13 Sec. ____ REDESIGN SUPPORT.

14 1. The department of human services shall work with
15 the Iowa state association of counties in providing
16 training, support, and technical assistance to counties
17 in developing the mental health and disability services
18 regional services system as provided in this Act and
19 in evaluating whether any barriers exist that would
20 prevent or restrict the community services network
21 developed by the association from being used as the
22 data system for the service system.

23 2. The department shall identify third-party
24 coverage sources and develop estimates and financing
25 options for maximizing the use of the third-party
26 coverage sources in adding eligibility for core
27 services under the mental health and disability
28 services regional service system for adults with a
29 developmental disability other than intellectual
30 disability and for adults with brain injury. The
31 estimates and financing options shall be submitted to
32 the governor and general assembly on or before December
33 14, 2012.

34 Sec. ____ MENTAL HEALTH AND DISABILITY SERVICES
35 WORKFORCE DEVELOPMENT WORKGROUP.

36 1. The department of human services shall create
37 and provide support to a mental health and disability
38 services workforce development workgroup to address
39 issues in connection with assuring that an adequate
40 workforce is available in the state to provide mental
41 health and disability services. The membership of
42 the workgroup shall include the other state agencies
43 involved with the services and other appropriate
44 stakeholders designated by the director of human
45 services in consultation with the chairpersons and
46 ranking members of the committees on human resources
47 of the senate and house of representatives. In
48 addition, the membership shall include four members
49 of the general assembly with one each appointed by
50 the majority and minority leader of the senate and

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1 the speaker and minority leader of the house of
2 representatives. The workgroup shall report to the
3 governor and general assembly providing findings and
4 recommendations and financing information concerning
5 the findings and recommendations. A preliminary report
6 shall be submitted on or before December 14, 2012, and
7 a final report on or before December 16, 2013.

8 2. The workgroup shall coordinate and align its
9 efforts with the recommendations of the direct care
10 worker task force created pursuant to 2005 Iowa
11 Acts, chapter 88, and the direct care worker advisory
12 council created pursuant to 2008 Iowa Acts, chapter
13 69, regarding training, level of competency, core
14 curricula, and certification, including but not limited
15 to those provisions relating to the use of the college
16 of direct support and other internet-based training.
17 Sec. ____ REGIONAL SERVICE SYSTEM — OUTCOMES AND
18 PERFORMANCE MEASURES COMMITTEE.

19 1. The department of human services shall establish
20 an outcomes and performance measures committee to make
21 recommendations for specific outcomes and performance
22 measures to be utilized by the mental health and
23 disability services regional service system. The
24 membership of the committee shall include appropriate
25 stakeholders designated by the director of human
26 services in consultation with the chairpersons and
27 ranking members of the committees on human resources
28 of the senate and house of representatives. In
29 addition, the membership shall include four members
30 of the general assembly with one each appointed by
31 the majority and minority leader of the senate and
32 the speaker and minority leader of the house of
33 representatives.

34 2. The committee's recommendations shall
35 incorporate the outcome measurement methodologies
36 previously developed by the mental health and
37 disability services commission. To the extent
38 possible, the committee shall seek to provide outcome
39 and performance measures recommendations that are
40 consistent across the mental health and disability
41 services populations addressed. The committee shall
42 also evaluate data collection requirements utilized
43 in the mental health and disability regional service
44 system to identify the requirements that could be
45 eliminated or revised due to the administrative burden
46 involved or the low degree of relevance to outcomes or
47 other reporting requirements.

48 3. The committee recommendations shall be submitted
49 to the governor, general assembly, and policymaking
50 bodies. Initial recommendations shall be submitted on

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1 or before December 14, 2012, and final recommendations
2 on or before December 16, 2013. The mental health
3 and disability services commission and other
4 policymaking bodies shall consider the recommendations
5 in eliminating or otherwise revising data collection
6 requirements.>
7 20. Page 22, line 23, by striking <Expand> and
8 inserting <Implement>
9 21. Page 22, line 24, after <tools> by inserting
10 <by the regional service system and the department of
11 human services>
12 22. Page 23, line 1, after <providers.> by
13 inserting <The efforts under this paragraph shall be
14 made with representatives of the Iowa state association
15 of counties.>
16 23. By striking page 23, line 32, through page 24,
17 line 15, and inserting:
18 <Sec. ____ Section 97B.1A, subsection 8, paragraph
19 a, Code Supplement 2011, is amended by adding the
20 following new subparagraph:
21 NEW SUBPARAGRAPH. (13) Employees of a regional
22 administrator formed in accordance with section
23 331.438E, determined to be an instrumentality of
24 the political subdivision forming the regional
25 administrator.>
26 24. Page 25, line 4, by striking <with the approval
27 of> and inserting <in consultation with>
28 25. Page 26, line 6, by striking <November 1,
29 2012,> and inserting <April 1, 2013,>
30 26. Page 26, by striking line 21 and inserting:
31 <c. During the period of April 2, 2013, through
32 July 1,>
33 27. Page 26, by striking lines 23 and 24 and
34 inserting <agreed to be part of a region in accordance
35 with paragraph "a" and with the regions forming around
36 the county to>
37 28. Page 26, line 26, by striking <January 1,
38 2013,> and inserting <July 1, 2013,>
39 29. Page 26, line 29, by striking <June 30, 2013,>
40 and inserting <December 31, 2013,>
41 30. Page 26, line 32, by striking <June 30, 2014,>
42 and inserting <June 30, 2015,>
43 31. Page 28, by striking lines 10 through 20 and
44 inserting <comprising the regions or their designees.>
45 32. Page 29, by striking lines 26 through 34 and
46 inserting:
47 <2. The accounting system and financial reporting
48 to the department shall conform with the cost
49 principles for state, local, and Indian tribal
50 governments issued by the United States office of

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1 management and budget. The information shall segregate
2 expenditures for administration, purchase of service,
3 and enterprise costs for which the region is a service
4 provider or is directly billing and collecting payments
5 and shall be identified along with other financial
6 information in a uniform chart of accounts prescribed
7 by the department of management. Following periodic
8 review of administrative costs, the department
9 shall make recommendations, in consultation with the
10 legislative services agency, for standards defining
11 region administrative costs and the methodology for
12 calculating a region's administrative load. Such
13 standards shall be specified in rule adopted by the
14 state commission.>

15 33. Page 30, line 19, after <board.> by inserting
16 <The voting procedures may provide for a weighted vote
17 on decisions identified by the governing board. A
18 weighted vote may provide for assignment of a number
19 of votes to each of the counties comprising the region
20 equal to its population within the region, may require
21 at least three-fourths of the total votes cast for
22 approval of a decision, or may provide for another
23 weighted vote option determined by the governing
24 board.>

25 34. Page 30, line 20, before <executive> by
26 inserting <process for selecting the>

27 35. Page 31, line 6, by striking <specific> and
28 inserting <general>

29 36. Page 31, line 35, after <2011,> by inserting
30 <to another public employer>

31 37. Page 32, line 31, by striking <administrator,>
32 and inserting <administrator that cannot be resolved
33 informally,>

34 38. Page 38, by striking lines 4 through 6.

35 39. Page 44, by striking lines 17 through 21 and
36 inserting <The diagnoses of clinically evident damage
37 to the brain used for a diagnosis of brain injury
38 shall be the same as specified by rule for eligibility
39 for the home and community-based services waiver for
40 persons with brain injury under the medical assistance
41 program.>

42 40. Page 47, by striking lines 2 through 6
43 and inserting <~~considered as outpatients of the~~
44 ~~institution. No An~~ order of commitment shall ~~not~~ be
45 issued unless the superintendent of the institution
46 recommends that the order be issued, and advises the
47 court that adequate facilities for the care of the
48 person are available.>

49 41. By renumbering as necessary.

JACK HATCH

S-5062HOUSE AMENDMENT TO
SENATE FILE 2283

1 Amend Senate File 2283, as passed by the Senate, as
2 follows:

3 1. Page 4, by striking lines 8 through 29.
4 2. By striking page 5, line 22, through page 6,
5 line 5.
6 3. Page 6, after line 7 by inserting:
7 <Sec. ____ Section 484B.1, Code 2011, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 3A. "Elk" means an animal
10 belonging to the cervidae family and classified as part
11 of the canadensis species of the cervus genus.
12 Sec. ____ NEW SECTION. 484B.4A Minimum enclosed
13 acreage — exceptions.
14 1. A hunting preserve on which elk are kept must
15 include at least three hundred twenty contiguous acres
16 which are enclosed by a fence as required pursuant to
17 section 484B.5. However, a person may keep elk only
18 on a hunting preserve that includes a fewer number of
19 enclosed acres if either of the following applies:
20 a. The commission grants a waiver for the hunting
21 preserve according to terms and conditions required by
22 the commission. The hunting preserve must include at
23 least one hundred sixty contiguous acres.
24 b. (1) The hunting preserve was operated as a
25 business on January 1, 2005.
26 (2) If the hunting preserve operated as a business
27 on January 1, 2005, the landowner or the landowner's
28 successor in interest may sell or otherwise transfer
29 ownership of the hunting preserve to another person
30 who may continue to operate the hunting preserve
31 in the same manner as the landowner. However, this
32 subparagraph shall not apply if the owner of the
33 hunting preserve or any successor in interest fails to
34 meet the licensing requirements of section 484B.4 each
35 year.
36 Sec. ____ Section 484C.1, Code 2011, is amended by
37 adding the following new subsection:
38 NEW SUBSECTION. 3A. "Elk" means an animal
39 belonging to the cervidae family and classified as part
40 of the canadensis species of the cervus genus.
41 Sec. ____ Section 484C.5, Code 2011, is amended to
42 read as follows:
43 484C.5 Minimum enclosed acreage — exceptions.
44 1. A hunting preserve must include at least three
45 hundred twenty contiguous acres which are enclosed by a
46 fence certified pursuant to section 484C.6. However,
47 the hunting preserve may include a fewer number of

48 enclosed acres if any of the following applies:
 49 ~~1. a.~~ The commission grants a waiver for the
 50 hunting preserve according to terms and conditions

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1 required by the commission. The hunting preserve must
 2 include at least one hundred sixty contiguous acres.
 3 ~~2. a. b. (1)~~ The hunting preserve was operated
 4 as a business on January 1, 2005.
 5 ~~b. (2)~~ If the hunting preserve operated as a
 6 business on January 1, 2005, the landowner or the
 7 landowner's successor in interest may sell or otherwise
 8 transfer ownership of the hunting preserve to another
 9 person who may continue to operate the hunting preserve
 10 in the same manner as the landowner. However, this
 11 ~~paragraph~~ subparagraph shall not apply if the owner of
 12 the hunting preserve or any successor in interest fails
 13 to register with the department as provided in section
 14 484C.7 for three or more consecutive years.

15 ~~3. a. c. (1)~~ The hunting preserve was not
 16 operated as a business on January 1, 2005, and all of
 17 the following apply:

18 ~~(1)~~ (a) The hunting preserve has at least one
 19 hundred contiguous acres.

20 ~~(2)~~ (b) The hunting preserve's fence is certified
 21 by the department not later than September 1, 2005.

22 ~~b. (2)~~ If the hunting preserve complies with
 23 ~~paragraph "a"~~ subparagraph (1), the landowner or the
 24 landowner's successor in interest may sell or otherwise
 25 transfer ownership of the hunting preserve to another
 26 person who may continue to operate the hunting preserve
 27 in the same manner as the landowner. However, this
 28 ~~paragraph~~ subparagraph shall not apply if the owner of
 29 the hunting preserve or any successor in interest fails
 30 to register with the department as provided in section
 31 484C.7 for three or more consecutive years.

32 2. Notwithstanding any other provision of this
 33 chapter or chapter 484B, a person may keep whitetail
 34 and elk together on a hunting preserve that includes
 35 less than three hundred twenty enclosed acres if the
 36 person receives a waiver as provided in subsection 1,
 37 paragraph "a" or meets the conditions specified in
 38 subsection 1, paragraph "b".>

39 4. Page 6, after line 13 by inserting:

40 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
 41 provision or provisions of this Act, being deemed of
 42 immediate importance, take effect upon enactment:

43 1. The sections of this Act amending sections
 44 484B.1, 484C.1, and 484C.5.

45 2. The section of this Act enacting section
 46 484B.4A.>

- 47 5. Title page, line 3, by striking <and>
48 6. Title page, line 4, after <applicable> by
49 inserting <, and including effective date provisions>
50 7. By renumbering as necessary.

S-5063

- 1 Amend Senate File 2298 as follows:
2 1. Page 2, line 6, after <services> by inserting
3 <or a direct care associate who has met the federal
4 nurse aide requirements pursuant to 42 C.F.R. §
5 483.152>
6 2. Page 3, line 14, by striking <person> and
7 inserting <individual>
8 3. Page 3, line 17, by striking <person> and
9 inserting <individual>
10 4. Page 3, line 21, by striking <a person> and
11 inserting <an individual>
12 5. Page 3, line 24, by striking <person> and
13 inserting <individual>
14 6. Page 3, line 25, by striking <person> and
15 inserting <individual>
16 7. Page 3, line 29, by striking <person> and
17 inserting <individual>
18 8. Page 4, by striking line 21 and inserting:
19 <3. An individual shall renew the individual's
20 certification>
21 9. Page 4, line 22, by striking <person> and
22 inserting <individual>
23 10. Page 4, line 23, by striking <person> and
24 inserting <individual>
25 11. Page 5, line 18, by striking <July> and
26 inserting <January>
27 12. Page 5, line 21, after <chapter.> by
28 inserting <The rules shall provide that certification
29 requirements for an individual subject to the
30 transition process are based on consideration of
31 previous training, employment history, and experience.>
32 13. Page 5, after line 24 by inserting:
33 <2A. Establish curriculum requirements for health
34 support professionals. The curriculum requirements
35 established shall not exceed the curriculum
36 requirements specified for nurse aides pursuant to
37 42 C.F.R. § 483.152, without prior approval of sixty
38 percent of the members of the board and prior approval
39 of the department of inspections and appeals.
40 2B. Require an individual to undergo criminal
41 history and child and dependent adult abuse record
42 checks prior to certification, and establish record
43 checks requirements applicable to direct care
44 professionals consistent with section 135C.33.
45 2C. Establish dependent adult abuse reporting and

46 training requirements consistent with chapters 235B and
 47 235E, as applicable.>
 48 14. Page 7, by striking line 29 and inserting
 49 <professionals, a total of eleven members, six of whom
 50 are>

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1 15. Page 7, line 32, by striking <and>
 2 16. Page 7, line 33, after <instructor>
 3 by inserting <, and one licensed nursing home
 4 administrator>
 5 17. Page 8, line 4, by striking <D.C.A.> and
 6 inserting <the letters "D.C.A.">
 7 18. Page 8, line 8, by striking <C.L.P.> and
 8 inserting <"C.L.P.">
 9 19. Page 8, line 11, by striking <P.S.P.> and
 10 inserting <"P.S.P.">
 11 20. Page 8, line 14, by striking <H.S.P.> and
 12 inserting <"H.S.P.">
 13 21. Page 8, after line 18 by inserting:
 14 <f. A direct care professional who complies with
 15 federal nurse aide requirements pursuant to 42 C.F.R. §
 16 483.152 may use the title "certified nursing assistant"
 17 or the letters "C.N.A." after the person's name.>
 18 22. Page 8, by striking lines 28 through 32 and
 19 inserting <Act. The board of direct care professionals
 20 shall adopt rules to provide that certification
 21 requirements for an individual subject to the
 22 transition process are based on consideration of
 23 previous training, employment history, and experience,
 24 and require such individuals to complete the
 25 requirements for direct care associate certification
 26 within the time frame determined by rule of the board.>
 27 23. Page 8, before line 33 by inserting:
 28 <1A. An individual who is registered on or before
 29 January 1, 2014, on the Iowa direct care worker
 30 registry established by the department of inspections
 31 and appeals, is deemed to meet the certification
 32 requirements for a health support professional under
 33 this Act.>
 34 24. Page 9, after line 21 by inserting:
 35 <Sec. ____ FUNDING PROVISIONS.
 36 1. The department of public health shall limit the
 37 indirect service charge for the board of direct care
 38 professionals to not more than fifteen percent.
 39 2. It is the intent of the general assembly
 40 that the board of direct care professionals be
 41 self-sustaining by January 1, 2017.>
 42 25. By renumbering as necessary.

PAM JOCHUM
 JACK HATCH

S-5064

- 1 Amend Senate File 2275 as follows:
- 2 1. Page 1, line 14, by striking <operator> and
3 inserting <service provider>
 - 4 2. Page 1, line 15, by striking <operating>
 - 5 3. Page 1, line 15, by striking <with a> and
6 inserting <with an internet wagering>
 - 7 4. Page 1, line 16, by striking <conduct> and
8 inserting <provide>
 - 9 5. Page 3, line 1, by striking <operators> and
10 inserting <service providers>
 - 11 6. Page 3, line 15, by striking <conduct> and
12 inserting <operate>
 - 13 7. Page 3, line 18, by striking <operator> and
14 inserting <service provider>
 - 15 8. Page 3, line 18, after <provided in> by
16 inserting <this section and>
 - 17 9. Page 3, by striking lines 23 through 30 and
18 inserting <operate gambling games under this chapter
19 as determined by the commission. The issuance of a
20 license to>
 - 21 10. Page 3, line 31, by striking <by more than one
22 licensee>
 - 23 11. Page 4, line 5, by striking <through a single
24 internet site> and inserting <as determined by the
25 commission>
 - 26 12. Page 4, line 13, by striking <conduct> and
27 inserting <operate>
 - 28 13. Page 4, line 22, by striking <conduct> and
29 inserting <operate>
 - 30 14. Page 4, after line 29 by inserting:
31 <0e. An internet wagering licensee shall make
32 distributions of the receipts from internet wagering on
33 poker in the same manner as provided in section 99F.6,
34 subsection 4, paragraph "a", subparagraph (2), or in
35 the operating agreement entered into with a qualified
36 sponsoring organization as provided in section 99F.5,
37 whichever is applicable.>
 - 38 15. Page 4, after line 32 by inserting:
39 <3. A person holding a valid license pursuant to
40 chapter 99D or section 99F.7 is exempt from further
41 investigation and examination for licensing to operate
42 internet wagering pursuant to this chapter. However,
43 the commission may order future investigations or
44 examinations as the commission finds appropriate.>
 - 45 16. Page 5, line 3, after <license.> by inserting
46 <an internet wagering service provider license.>
 - 47 17. Page 5, lines 8 and 9, by striking <applicant,
48 and internet wagering operator if applicable.> and
49 inserting <applicant>
 - 50 18. Page 5, lines 10 and 11, by striking

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- 1 <applicant, or internet wagering operator if
 2 applicable,> and inserting <applicant>
 3 19. Page 5, after line 12 by inserting:
 4 <Sec. ____ Section 99F.6, Code Supplement 2011, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 5A. Before a license is granted to
 7 an internet wagering service provider, the commission
 8 shall, in addition to the requirements of this section,
 9 conduct a comprehensive investigation of the service
 10 provider to determine whether the service provider has
 11 accepted or assisted in the acceptance of any wagers
 12 or other consideration related to internet wagering.
 13 The commission shall not issue a license to an internet
 14 wagering service provider if the commission determines
 15 that the service provider has accepted or assisted in
 16 the acceptance of any wagers or other consideration
 17 related to internet wagering in violation of the laws
 18 of any jurisdiction where the service provider has
 19 operated.>
 20 20. Page 5, lines 21 and 22, by striking <a
 21 gambling games licensee who submits an application> and
 22 inserting <an applicant>
 23 21. Title page, line 1, by striking <conduct> and
 24 inserting <operate>
 25 22. By renumbering as necessary.

JEFF DANIELSON

S-5065

- 1 Amend Senate File 2128 as follows:
 2 1. Page 1, after line 24 by inserting:
 3 <0b. "Autism service provider" means a person,
 4 group, or entity that provides treatment for autism
 5 spectrum disorders.>
 6 2. Page 2, by striking lines 4 and 5 and inserting:
 7 <(2) Are provided by an applied behavior analysis
 8 direct service provider under the supervision of an
 9 assistant behavior analyst certified by a nationally
 10 recognized board, with overall clinical direction by a
 11 behavior analyst certified by a nationally recognized
 12 board, or by a licensed>
 13 3. Page 2, line 10, after <tests> by inserting
 14 <performed by a licensed physician or licensed
 15 psychologist>
 16 4. Page 2, after line 19 by inserting:
 17 <0h. "Rehabilitative care" means professional
 18 services and treatment programs, including applied
 19 behavior analysis, that are provided by an autism
 20 service provider to produce socially significant

21 improvements in human behavior or to prevent loss of
 22 attained skills or functions.>
 23 5. Page 2, by striking lines 23 through 33 and
 24 inserting:
 25 <i. "Treatment for autism spectrum disorder"
 26 means treatment that is identified in a treatment
 27 plan as prescribed by a licensed physician or a
 28 licensed psychologist and includes medically necessary
 29 pharmacy care, psychiatric care, psychological care,
 30 rehabilitative care, and therapeutic care that is
 31 provided by one of the following:
 32 (1) A mental health professional as defined in
 33 section 228.1.
 34 (2) An autism service provider.>
 35 6. Page 3, line 4, after <pediatrics> by inserting
 36 <or the American academy of child and adolescent
 37 psychiatry>
 38 7. Page 4, by striking lines 4 through 7 and
 39 inserting:
 40 <8. This section shall not be construed to require
 41 coverage by a group policy, contract, or plan of any
 42 service solely based on inclusion of the service in
 43 an individualized education program. Consistent with
 44 federal or state law and upon consent of the parent
 45 or guardian of a covered individual, the treatment
 46 of autism spectrum disorders may be coordinated with
 47 any services included in an individualized education
 48 program. However, coverage for the treatment of
 49 autism spectrum disorders shall not be contingent
 50 upon coordination of services with an individualized

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1 education program.>
 2 8. By renumbering, redesignating, and correcting
 3 internal references as necessary.

DARYL BEALL

S-5066

1 Amend Senate File 2293 as follows:
 2 1. Page 2, after line 15 by inserting:
 3 <Sec. ____ Section 505.8, subsection 19,
 4 Code Supplement 2011, is amended by striking the
 5 subsection.>
 6 2. Page 12, line 20, after <this> by inserting
 7 <section of this>
 8 3. Page 13, line 10, after <this> by inserting
 9 <section of this>
 10 4. Page 15, after line 12 by inserting:
 11 <Sec. ____ Section 514E.7, subsection 5, paragraph

- 12 d, Code 2011, is amended by striking the paragraph.>
13 5. Page 20, line 35, before <this> by inserting
14 <the sections of>
15 6. Page 21, line 1, after <Act> by inserting
16 <amending sections 514E.1 and 514E.2>
17 7. By renumbering as necessary.

MATT McCOY

S-5067

- 1 Amend Senate File 2042 as follows:
2 1. Page 25, line 18, before <This> by inserting
3 <1.>
4 2. Page 25, after line 25 by inserting:
5 <2. A health benefit marketplace established
6 pursuant to this chapter or any other health benefit
7 exchange established in this state pursuant to the
8 requirements of the federal Act shall ensure that
9 licensed insurance producers, other than insurance
10 producers that are employed by or affiliated with
11 a navigator as provided in the federal Act, are
12 compensated at a level that is commensurate with the
13 average compensation paid to insurance producers for
14 the placement, renewal, or enrollment of persons in
15 health insurance plans outside of the marketplace or
16 exchange.>

MATT McCOY

S-5068

- 1 Amend Senate File 2275 as follows:
2 1. Page 4, after line 11 by inserting:
3 <0d. A licensee authorized to conduct gambling
4 games under this chapter shall, as a condition of
5 receiving an internet wagering license, prohibit
6 smoking on the gaming floor of the licensed premises
7 of the licensee.>
8 2. By renumbering, redesignating, and correcting
9 internal references as necessary.

ROBERT E. DVORSKY
RANDY FEENSTRA

S-5069

- 1 Amend Senate File 2302 as follows:
2 1. Page 1, line 3, after <12A.> by inserting <a.>
3 2. Page 1, after line 11 by inserting:
4 <b. This subsection does not apply to a request
5 for bids or proposals for products or other purchases

- 6 associated with the following:
- 7 (1) Road or bridge construction or repair.
- 8 (2) Architectural or engineering services.>
- 9 3. Page 1, line 12, after <12B.> by inserting <a.>
- 10 4. Page 1, line 17, by striking <a.> and inserting
- 11 <(1)>
- 12 5. Page 1, line 19, by striking <b.> and inserting
- 13 <(2)>
- 14 6. Page 1, line 24, by striking <c.> and inserting
- 15 <(3)>
- 16 7. Page 1, line 27, by striking <d.> and inserting
- 17 <(4)>
- 18 8. Page 1, after line 29 by inserting:
- 19 <b. This subsection does not apply to a request
- 20 for bids or proposals for products or other purchases
- 21 associated with the following:
- 22 (1) Road or bridge construction or repair.
- 23 (2) Architectural or engineering services.>

LIZ MATHIS

S-5070

- 1 Amend the amendment, S-5061, to Senate File 2315 as
- 2 follows:
- 3 1. Page 2, by striking lines 8 through 23 and
- 4 inserting:
- 5 <(2) Subject to available appropriations, the
- 6 director of human services shall ensure the initial
- 7 core service domains listed in subsection 4 are
- 8 covered services for the medical assistance program
- 9 under chapter 249A to the greatest extent allowable
- 10 under federal regulations. Within funds available,
- 11 the region shall pay for such services for eligible
- 12 individuals when payment through the medical assistance
- 13 program or another third-party payment is not
- 14 available, unless the individual is on a waiting list
- 15 for such payment or it has been determined that the
- 16 individual does not meet the eligibility criteria for
- 17 any such service.>
- 18 2. Page 4, by striking lines 8 and 9 and inserting:
- 19 <2. The workgroup shall consider the
- 20 recommendations of the direct care>

JACK HATCH

S-5071

- 1 Amend Senate File 2287 as follows:
- 2 1. Page 1, by striking lines 19 through 22 and
- 3 inserting <of United States origin.>

MERLIN BARTZ

S-5072

- 1 Amend Senate File 2315 as follows:
 2 1. Page 73, by striking lines 25 and 26.
 3 2. By renumbering as necessary.

JACK HATCH

S-5073

- 1 Amend Senate File 2287 as follows:
 2 1. Page 2, lines 16 and 17, by striking <this
 3 section> and inserting <section 1, paragraph “a”,>
 4 2. Page 2, line 29, by striking <fifteen> and
 5 inserting <five>
 6 3. Page 2, after line 31 by inserting:
 7 <2A. A waiver pursuant to subsection 1,
 8 paragraph “b” or “c”, shall be immediately effective
 9 upon publication of notice of such waiver on the
 10 governmental unit’s internet site.>
 11 4. By renumbering as necessary.

MARK CHELGREN

S-5074

- 1 Amend Senate File 2301 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 162.2, Code 2011, is amended by
 5 adding the following new subsections:
 6 NEW SUBSECTION. 12A. “Dispositional expenses” means
 7 the same as defined in section 717B.1.
 8 NEW SUBSECTION. 16A. “Local authority” means the
 9 same as defined in section 717B.1.
 10 Sec. 2. Section 162.2C, Code 2011, is amended by
 11 adding the following new subsections:
 12 NEW SUBSECTION. 2A. The fiscal year of the fund
 13 begins July 1 and ends June 30. Fiscal quarters of the
 14 fund begin July 1, October 1, January 1, and April 1.
 15 NEW SUBSECTION. 2B. The fund shall include two
 16 accounts, a general account and a dispositional
 17 account.
 18 a. Except as provided in paragraph “b”, the general
 19 account is composed of all moneys deposited in the fund
 20 as provided in subsection 2. The department shall
 21 utilize moneys in the general account to provide for
 22 the administration and enforcement of this chapter.
 23 b. The dispositional account is composed of all
 24 fees collected pursuant to section 162.2B, until the
 25 department determines that the account has achieved
 26 a threshold of at least two hundred fifty thousand

27 dollars. At the end of each fiscal quarter the
28 department shall determine the balance of unencumbered
29 and unobligated moneys in the account, and may transfer
30 any moneys in the account exceeding the threshold to
31 the general account. The department shall return
32 any unexpended and unobligated moneys expended from
33 the dispositional account back to that account, or
34 the general account if the dispositional account's
35 threshold is achieved.

36 Sec. 3. NEW SECTION. 162.2D Payment of
37 dispositional expenses incurred by local authorities.

38 1. The department shall utilize the moneys
39 deposited into the dispositional account of the
40 commercial establishment fund created in section 162.2C
41 to pay eligible claims submitted to the department by
42 local authorities for dispositional expenses incurred
43 by the local authority, including by providing for the
44 maintenance of a vertebrate animal subject to a court
45 hearing pursuant to section 717B.4 or rescued pursuant
46 to section 717B.5. This section does not apply to
47 livestock as defined in section 717.1.

48 2. The department shall pay an eligible claim
49 according to procedures adopted by departmental
50 rule. In order for a claim to be eligible, all of the

Page 2

- 1 following must apply:
 - 2 a. At the time of the hearing for the disposition
3 of the vertebrate animal or the rescue of the
4 vertebrate animal, the vertebrate animal must have been
5 possessed or controlled by a commercial establishment
6 that possessed or controlled more than twenty
7 vertebrate animals at any one time during the prior
8 twelve months.
 - 9 b. The commercial establishment must be required to
10 operate pursuant to an authorization issued or renewed
11 pursuant to section 162.2A, regardless of whether the
12 commercial establishment is actually issued or renewed
13 such authorization.
 - 14 c. The dispositional expenses must be actually
15 and reasonably incurred by the local authority,
16 including by an animal care provider providing for the
17 maintenance of the vertebrate animal under contract
18 with the local authority.
 - 19 d. The local authority must submit the claim to the
20 department according to procedures established by rules
21 adopted by the department. A claim is not eligible
22 if submitted twelve months or more after the local
23 authority has incurred its final dispositional expense.
- 24 3. A claim is eligible for payment even if any of
25 the following applies:

26 a. The responsible party has posted a bond or
 27 other security with the local authority as provided in
 28 section 717B.4.

29 b. The local authority may receive a future payment
 30 for the dispositional expense from a responsible party
 31 as provided in section 717B.4.

32 4. Upon a determination that the claim is eligible,
 33 the department shall provide for payment to the local
 34 authority of one hundred percent of the claimed amount.
 35 If there are insufficient moneys in the dispositional
 36 account to make full payment of all eligible claims,
 37 the department shall prorate the payment amounts and
 38 defer the remaining payment until the dispositional
 39 account again contains sufficient moneys.

40 5. A local authority shall repay the department
 41 for the claim amount from any moneys received by
 42 the local authority from a responsible party for
 43 dispositional expenses pursuant to section 717B.4. The
 44 department shall deposit the moneys in the commercial
 45 establishment fund as provided in section 162.2C.

46 Sec. 4. Section 717B.1, Code 2011, is amended by
 47 adding the following new subsection:

48 NEW SUBSECTION. 3A. "Department" means the
 49 department of agriculture and land stewardship.

50 Sec. 5. NEW SECTION. 717B.5A Dispositional

Page 3

1 expenses — commercial establishment fund.
 2 A local authority may submit a claim to the
 3 department to pay for dispositional expenses incurred
 4 by the local authority if the local authority complies
 5 with the requirements provided in section 162.2D.>
 6 2. Title page, by striking lines 1 through 4 and
 7 inserting <An Act providing for the payment of expenses
 8 incurred by a local authority when providing for
 9 rescue, maintenance, or disposition of certain animals
 10 in commercial establishments.>

MATT McCOY

S-5075

1 Amend Senate File 2302 as follows:

2 1. Page 1, line 11, after <awarded.> by inserting
 3 <This subsection does not apply to a request for bids
 4 or proposals for marketing products or services or
 5 advertising products or services.>

6 2. Page 1, line 12, after <12B.> by inserting <a.>

7 3. Page 1, line 17, by striking <a.> and inserting
 8 <(1)>

9 4. Page 1, line 19, by striking <b.> and inserting

10 <(2)>

11 5. Page 1, line 24, by striking <c.> and inserting

12 <(3)>

13 6. Page 1, line 27, by striking <d.> and inserting

14 <(4)>

15 7. Page 1, after line 29 by inserting:

16 <b. This subsection does not apply to a request for
17 bids or proposals for marketing products or services or
18 advertising products or services.>

BILL DIX

S-5076

1 Amend Senate File 2254 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 483A.24, subsections 3 and 4,
5 Code Supplement 2011, are amended to read as follows:

6 3. The director shall provide up to seventy-five
7 nonresident deer hunting licenses for allocation as
8 provided in this subsection.

9 a. Thirty-five of the nonresident deer hunting
10 licenses shall be allocated as requested by a majority
11 of a committee consisting of the majority leader of
12 the senate, speaker of the house of representatives,
13 and director of the economic development authority, or
14 their designees. The licenses provided pursuant to
15 this subsection shall be in addition to the number of
16 nonresident licenses authorized pursuant to section
17 483A.8. The purpose of the special nonresident
18 licenses is to allow state officials and local
19 development groups to promote the state and its natural
20 resources to nonresident guests and dignitaries.
21 Photographs, videotapes, or any other form of media
22 resulting from the hunting visitation shall not be
23 used for political campaign purposes. The nonresident
24 licenses shall be issued without application upon
25 payment of the nonresident deer hunting license fee and
26 the wildlife habitat fee. The licenses are valid in
27 all zones open to deer hunting. The hunter safety and
28 ethics education certificate requirement pursuant to
29 section 483A.27 is waived for a nonresident issued a
30 license pursuant to this subsection.

31 b. Forty of the nonresident deer hunting licenses
32 shall be allocated as provided in subsection 4A.

33 4. The director shall provide up to ~~twenty five~~
34 seventy-five nonresident wild turkey hunting licenses
35 for allocation as provided in this subsection.

36 a. Thirty-five of the nonresident wild turkey
37 hunting licenses shall be allocated as requested
38 by a majority of a committee consisting of the

39 majority leader of the senate, speaker of the house
40 of representatives, and director of the economic
41 development authority, or their designees. The
42 licenses provided pursuant to this subsection shall
43 be in addition to the number of nonresident licenses
44 authorized pursuant to section 483A.7. The purpose
45 of the special nonresident licenses is to allow state
46 officials and local development groups to promote the
47 state and its natural resources to nonresident guests
48 and dignitaries. Photographs, videotapes, or any other
49 form of media resulting from the hunting visitation
50 shall not be used for political campaign purposes.

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1 The nonresident licenses shall be issued without
2 application upon payment of the nonresident wild
3 turkey hunting license fee and the wildlife habitat
4 fee. The licenses are valid in all zones open to wild
5 turkey hunting. The hunter safety and ethics education
6 certificate requirement pursuant to section 483A.27 is
7 waived for a nonresident issued a license pursuant to
8 this subsection.

9 b. Forty of the nonresident wild turkey hunting
10 licenses shall be allocated as provided in subsection
11 4A.

12 Sec. 2. Section 483A.24, Code Supplement 2011, is
13 amended by adding the following new subsection:
14 NEW SUBSECTION. 4A. Forty of the nonresident deer
15 hunting licenses and wild turkey hunting licenses
16 allocated under subsections 3 and 4 shall be available
17 for issuance to nonresidents who have served in the
18 armed forces of the United States on active federal
19 service and who were disabled during the veteran's
20 military service or who are serving in the armed forces
21 of the United States on active federal service and
22 have been disabled during military service to enable
23 the disabled person to participate in a hunt that is
24 conducted by an organization that conducts hunting
25 experiences in this state for disabled persons. The
26 licenses shall be issued as follows:

27 a. The department shall prepare an application to
28 be used by a person requesting a special license under
29 this subsection.

30 (1) The department shall verify that the license
31 will be used by the applicant in connection with
32 a hunt conducted by an approved organization that
33 conducts hunting experiences in this state for disabled
34 veterans and members of the armed forces serving on
35 active federal service who have been disabled during
36 military service. The department shall specify, by
37 rules adopted under chapter 17A, what requirements

38 an organization must meet in order to be approved to
39 conduct hunts for disabled persons who obtain licenses
40 under this subsection.

41 (2) The department of veterans affairs shall assist
42 the department in verifying the status or claims of
43 applicants under this subsection. As used in this
44 subsection, "disabled" means entitled to a service
45 connected rating under 38 U.S.C. ch. 11 with a degree
46 of disability of thirty percent or more.

47 b. A license issued under this subsection shall be
48 in addition to the number of nonresident wild turkey
49 hunting licenses authorized pursuant to section 483A.7
50 and nonresident deer hunting licenses authorized

Page 3

1 pursuant to section 483A.8. However, a nonresident
2 who obtains a license pursuant to this subsection is
3 not eligible to obtain a nonresident deer hunting
4 license or wild turkey hunting license under any other
5 provision of law.

6 c. A disabled person who receives a special license
7 under this subsection shall purchase a hunting license,
8 and a wild turkey hunting license or a deer hunting
9 license, if applicable, and pay the wildlife habitat
10 fee, all for the same fee that is charged to resident
11 hunters. If hunting deer, the disabled person shall
12 also pay a one dollar fee that shall be used and is
13 appropriated for the purpose of deer herd population
14 management, including assisting with the cost of
15 processing deer donated to the help us stop hunger
16 program administered by the commission.

17 Od. A special hunting license shall be available
18 for issuance under this subsection to a disabled
19 veteran or disabled member of the armed forces serving
20 on active federal service for the same fee that is
21 charged to a resident hunter to enable such a disabled
22 person to participate in a hunt conducted by an
23 organization approved under this subsection for which
24 only a hunting license is required.

25 d. A disabled person who receives a special license
26 under this subsection shall complete the hunter safety
27 and ethics education course.

28 e. A license issued under this subsection is valid
29 for use only on a hunt conducted by an organization
30 approved under this subsection.

31 f. The commission shall adopt rules under chapter
32 17A for the administration of this subsection.>

33 2. Title page, line 2, after <and> by inserting
34 <disabled>

35 3. By renumbering as necessary.

S-5077

1 Amend House File 2329, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 483A.24, Code Supplement 2011,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 10A. The commission shall issue a
8 special hunting license to a disabled nonresident who
9 has served in the armed forces of the United States on
10 active federal service and was disabled during that
11 veteran's military service or who is serving in the
12 armed forces of the United States on active federal
13 service and has been disabled during military service,
14 to enable the disabled person to participate in a hunt
15 that is conducted by a nonprofit organization that
16 conducts hunting experiences in this state for disabled
17 veterans and disabled members of the armed forces
18 serving on active federal service. The licenses shall
19 be issued as follows:

20 a. The department shall prepare an application to
21 be used by a person requesting a special license under
22 this subsection.

23 (1) The department shall verify that the license
24 will be used by the applicant in connection with a hunt
25 conducted by an approved nonprofit organization that
26 conducts hunting experiences in this state for disabled
27 veterans and disabled members of the armed forces
28 serving on active federal service. The department
29 shall specify, by rules adopted under chapter 17A,
30 what requirements a nonprofit organization must meet
31 in order to be approved to conduct hunts for disabled
32 persons who obtain licenses under this subsection.

33 (2) The department of veterans affairs shall assist
34 the department in verifying the status or claims of
35 applicants under this subsection. As used in this
36 subsection, "disabled" means entitled to a service
37 connected rating under 38 U.S.C. ch. 11 with a degree
38 of disability of thirty percent or more.

39 b. A disabled veteran or disabled member of the
40 armed forces serving on active federal service who
41 receives a special license under this subsection shall
42 purchase a hunting license and pay the wildlife habitat
43 fee, all for the same fee that is charged to resident
44 hunters.

45 c. A license issued under this subsection is
46 valid for use only on a hunt conducted by a nonprofit
47 organization approved under this subsection.

48 d. The commission shall issue no more than forty
49 of each of the special licenses available under this
50 subsection per year.

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- 1 e. The commission shall adopt rules under chapter
- 2 17A for the administration of this subsection.>

DICK L. DEARDEN

S-5078

- 1 Amend Senate File 2317 as follows:
- 2 1. Page 14, after line 32 by inserting:
- 3 <Sec. ____ EFFECTIVE DATE. This Act takes effect
- 4 January 1, 2013.>
- 5 2. Title page, by striking line 2 and inserting
- 6 <, providing for fees, and including effective date
- 7 provisions.>
- 8 3. By renumbering as necessary.

DICK L. DEARDEN

S-5079

- 1 Amend Senate File 2302 as follows:
- 2 1. Page 1, after line 29 by inserting:
- 3 <NEW SUBSECTION. 12C. Subsections 12A and 12B do
- 4 not apply to procurement of or for public improvement
- 5 projects.>

ROBY SMITH

S-5080

HOUSE AMENDMENT TO SENATE FILE 2249

- 1 Amend Senate File 2249, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, after line 32 by inserting:
- 4 <Sec. ____ Section 322.5, subsection 2, paragraph
- 5 a, subparagraph (2), Code 2011, is amended to read as
- 6 follows:
- 7 (2) Display, offer for sale, and negotiate sales
- 8 of new motor vehicles at fair events, as defined in
- 9 chapter 174, vehicle shows, and vehicle exhibitions,
- 10 upon application for and receipt of a temporary permit
- 11 issued by the department. Such activities may only be
- 12 conducted at fair events, vehicle shows, and vehicle
- 13 exhibitions that are held in the ~~county of the motor~~
- 14 vehicle dealer's principal place of business community,
- 15 as defined in section 322A.1, for the vehicles that
- 16 are displayed and offered for sale. A sale of a
- 17 motor vehicle by a motor vehicle dealer shall not be

18 completed and an agreement for the sale of a motor
 19 vehicle shall not be signed at a fair event, vehicle
 20 show, or vehicle exhibition. All such sales shall be
 21 consummated at the motor vehicle dealer's principal
 22 place of business.>

23 2. Title page, lines 1 and 2, by striking
 24 <motorcycle dealer activities at> and inserting <motor
 25 vehicle dealer activities at fair events, vehicle
 26 shows, vehicle exhibitions, and>

27 3. By renumbering as necessary.

S-5081

1 Amend the amendment, S-5056, to House File 2335,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 16, after line 48 by inserting:
 5 <Sec. ____ DEPARTMENT OF PUBLIC SAFETY BUILDING
 6 DESIGNATION. The state office building located at
 7 215 east seventh street, which houses the department
 8 of public safety, shall be named after Oran Pape, the
 9 first member of the state patrol killed in the line of
 10 duty and the only member of the state patrol to have
 11 been murdered. An appropriate commemorative plaque
 12 shall be placed near the entrance of the state building
 13 in recognition of Oran Pape and his sacrifice as a
 14 member of the state patrol.>

TOM HANCOCK

S-5082

1 Amend Senate File 2294 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 543B.7, subsection 5, Code
 5 2011, is amended to read as follows:

6 5. The acts of an auctioneer who is not a licensee
 7 in conducting a public sale or auction, as provided in
 8 this subsection.

9 a. The auctioneer's role must be limited to
 10 establishing the time, place, and method of an auction;
 11 advertising the auction including which shall be
 12 limited to a brief description of the property for
 13 auction and the time and place for the auction; and
 14 crying the property at the auction.

15 (1) The auctioneer shall provide in any advertising
 16 the name and address of the real estate broker who is
 17 providing brokerage services for the transaction and
 18 the name of the real estate broker, ~~or~~ attorney, or
 19 closing company who is responsible for closing the sale
 20 of the property.

21 (2) The real estate broker providing brokerage

22 services shall be present at the time of the auction
 23 and, if found to be in violation of this subsection,
 24 shall be subject to a civil penalty of ~~two~~ one thousand
 25 five hundred dollars.

26 (3) If the auctioneer closes or attempts to close
 27 the sale of the property or otherwise engages in acts
 28 defined in sections 543B.3 and 543B.6, or paragraph
 29 "b" of this subsection, then the requirements of this
 30 chapter do apply to the auctioneer.

31 b. An auctioneer who is not a licensee is expressly
 32 prohibited from engaging in the following acts:

33 (1) Contacting the public regarding real property
 34 beyond that which is permitted under this section with
 35 the purpose of securing or facilitating the sale of
 36 such real property.

37 (2) Independently showing property or hosting open
 38 houses.

39 (3) Making material and substantive representations
 40 regarding title, financing, or closings.

41 (4) Discussing or explaining a contract, lease,
 42 agreement, or other real estate document, other than
 43 the contract for conducting the auction or other acts
 44 permitted by this subsection, with a prospective buyer,
 45 owner, or tenant of the real property, with the purpose
 46 of securing or facilitating the sale of such real
 47 property.

48 (5) Collecting or holding deposit moneys, rent,
 49 other moneys, or anything of value received from the
 50 owner of real property or from a prospective buyer

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1 or tenant, other than fees, commissions, or other
 2 consideration paid in exchange for conducting the
 3 auction or other acts permitted by this subsection,
 4 with the purpose of securing or facilitating the sale
 5 of such real property.

6 (6) Providing owners of real property or
 7 prospective buyers or tenants with advice,
 8 recommendations, or suggestions regarding the sale,
 9 purchase, exchange, rental, or leasing of real
 10 property, except with regard to acts permitted under
 11 this subsection.

12 (7) Falsely representing in any manner, orally or
 13 in writing, that the auctioneer is a licensee.

14 c. If an investigation pursuant to this chapter
 15 reveals that an auctioneer has violated this subsection
 16 or has assumed to act in the capacity of a real
 17 estate broker or real estate salesperson, the real
 18 estate commission ~~may~~ shall issue a cease and desist
 19 order, and shall ~~issue a warning letter notifying the~~
 20 auctioneer of the violation impose a penalty of one

21 thousand dollars for the first offense, and impose a
 22 penalty of up to the greater of ten thousand dollars
 23 or ten percent of the real estate sales price for each
 24 subsequent violation.>
 25 2. Title page, by striking lines 1 through 3 and
 26 inserting <An Act relating to the authorized activities
 27 of auctioneers in conducting a public sale or auction
 28 of real estate, and providing penalty provisions.>

TOM RIELLY

S-5083

HOUSE AMENDMENT TO
SENATE FILE 2260

- 1 Amend Senate File 2260, as passed by the Senate, as
 2 follows:
 3 1. Page 5, by striking lines 3 through 13.
 4 2. Page 6, by striking lines 9 through 25.
 5 3. By renumbering as necessary.

S-5084

1 Amend House File 2337, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. 2011 Iowa Acts, chapter 130, section
 6 48, is amended to read as follows:
 7 SEC. 48. DEPARTMENT OF CULTURAL AFFAIRS. There
 8 is appropriated from the general fund of the state to
 9 the department of cultural affairs for the fiscal year
 10 beginning July 1, 2012, and ending June 30, 2013, the
 11 following amounts, or so much thereof as is necessary,
 12 to be used for the purposes designated:

13 1. ADMINISTRATION

14 For salaries, support, maintenance, miscellaneous
 15 purposes, and for not more than the following full-time
 16 equivalent positions for the department:

17	\$	85,907
18		171,813
19	FTEs	74.50

20 The department of cultural affairs shall coordinate
 21 activities with the tourism office of the ~~department of~~
 22 economic development authority to promote attendance
 23 at the state historical building and at this state's
 24 historic sites.

25 Full-time equivalent positions authorized under
 26 this subsection shall be funded, in full or in part,
 27 using moneys appropriated under this subsection and
 28 subsections 3 through 7.

29	2. COMMUNITY CULTURAL GRANTS		
30	For planning and programming for the community		
31	cultural grants program established under section		
32	303.3:		
33	.....	\$	<u>86,045</u>
34			<u>172,090</u>
35	3. HISTORICAL DIVISION		
36	For the support of the historical division:		
37	.....	\$	<u>1,383,851</u>
38			<u>2,767,701</u>
39	4. HISTORIC SITES		
40	For the administration and support of historic		
41	sites:		
42	.....	\$	<u>213,199</u>
43			<u>426,398</u>
44	5. ARTS DIVISION		
45	For the support of the arts division:		
46	.....	\$	<u>466,882</u>
47			<u>933,764</u>
48	6. IOWA GREAT PLACES		
49	For the Iowa great places program established under		
50	section 303.3C:		

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1	\$	<u>75,000</u>
2			<u>150,000</u>
3	7. ARCHIVE IOWA GOVERNORS' RECORDS		
4	For archiving the records of Iowa governors:		
5	.....	\$	<u>32,967</u>
6			<u>65,933</u>
7	8. RECORDS CENTER RENT		
8	For payment of rent for the state records center:		
9	.....	\$	<u>113,622</u>
10			<u>227,243</u>
11	9. BATTLE FLAGS		
12	For continuation of the project recommended by the		
13	Iowa battle flag advisory committee to stabilize the		
14	condition of the battle flag collection:		
15	.....	\$	<u>30,000</u>
16			<u>60,000</u>
17	<u>10. FILM OFFICE</u>		
18	<u>For salaries, support, maintenance, miscellaneous</u>		
19	<u>purposes, and for not more than the following full-time</u>		
20	<u>equivalent positions:</u>		
21	.....	\$	200,000
22	.....	FTEs	2.00
23	<u>11. CULTURAL TRUST FUND</u>		
24	<u>For deposit in the Iowa cultural trust fund created</u>		
25	<u>in section 303A.4:</u>		
26	.....	\$	200,000
27	<u>The board of trustees of the Iowa cultural trust</u>		

28 shall annually prepare a report for submission to the
 29 governor, the general assembly, and the legislative
 30 services agency regarding the activities, projects,
 31 and programs funded with moneys allocated under this
 32 subsection. This report shall be submitted each year
 33 by January 15.

34 Sec. 2. 2011 Iowa Acts, chapter 130, section 49, is
 35 amended to read as follows:

36 SEC. 49. GOALS AND ACCOUNTABILITY — ECONOMIC
 37 DEVELOPMENT.

38 1. For the fiscal year beginning July 1, 2012,
 39 the goals for the ~~department of~~ economic development
 40 authority shall be to expand and stimulate the state
 41 economy, increase the wealth of Iowans, and increase
 42 the population of the state.

43 2. To achieve the goals in subsection 1, the
 44 ~~department of~~ economic development authority shall do
 45 all of the following for the fiscal year beginning July
 46 1, 2012:

47 a. Concentrate its efforts on programs and
 48 activities that result in commercially viable products
 49 and services.

50 b. Adopt practices and services consistent with

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1 free market, private sector philosophies.
 2 c. Ensure economic growth and development
 3 throughout the state.
 4 d. Work with businesses and communities to
 5 continually improve the economic development climate
 6 along with the economic well-being and quality of life
 7 for Iowans.
 8 e. Coordinate with other state agencies to
 9 ensure that they are attentive to the needs of an
 10 entrepreneurial culture.
 11 f. Establish a strong and aggressive marketing
 12 image to showcase Iowa's workforce, existing industry,
 13 and potential. A priority shall be placed on
 14 recruiting new businesses, business expansion, and
 15 retaining existing Iowa businesses. Emphasis shall be
 16 placed on entrepreneurial development through helping
 17 entrepreneurs secure capital, and developing networks
 18 and a business climate conducive to entrepreneurs and
 19 small businesses.
 20 g. Encourage the development of communities and
 21 quality of life to foster economic growth.
 22 h. Prepare communities for future growth and
 23 development through development, expansion, and
 24 modernization of infrastructure.
 25 i. Develop public-private partnerships with
 26 Iowa businesses in the tourism industry, Iowa tour

27 groups, Iowa tourism organizations, and political
28 subdivisions in this state to assist in the development
29 of advertising efforts.

30 j. Develop, to the fullest extent possible,
31 cooperative efforts for advertising with contributions
32 from other sources.

33 Sec. 3. 2011 Iowa Acts, chapter 130, section 50,
34 subsections 1, 2, 4, 5, and 6, are amended to read as
35 follows:

36 1. APPROPRIATION

37 There is appropriated from the general fund of
38 the state to the ~~department of~~ economic development
39 authority for the fiscal year beginning July 1, 2012,
40 and ending June 30, 2013, the following amounts, or
41 so much thereof as is necessary, to be used for the
42 purposes designated in subsection 2, and for not more
43 than the following full-time equivalent positions:

44	\$	4,891,712
45		<u>9,783,424</u>
46	FTEs	149.00

47 2. DESIGNATED PURPOSES

48 a. For salaries, support, miscellaneous purposes,
49 programs, and the maintenance of an administration
50 division, a business development division, and a

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- 1 community development division.
- 2 b. The full-time equivalent positions authorized
- 3 under this section shall be funded, in whole or in
- 4 part, by the moneys appropriated under subsection 1 or
- 5 by other moneys received by the ~~department~~ authority,
- 6 including certain federal moneys.
- 7 c. For business development operations and
- 8 programs, ~~the film office~~, international trade, export
- 9 assistance, workforce recruitment, and the partner
- 10 state program.
- 11 d. For transfer to the strategic investment fund
- 12 created in section 15.313.
- 13 e. For community economic development programs,
- 14 tourism operations, community assistance, plans
- 15 for Iowa green corps and summer youth programs,
- 16 the mainstreet and rural mainstreet programs, the
- 17 school-to-career program, the community development
- 18 block grant, and housing and shelter-related programs.
- 19 f. For achieving the goals and accountability, and
- 20 fulfilling the requirements and duties required under
- 21 this Act.
- 22 4. FINANCIAL ASSISTANCE RESTRICTIONS
- 23 a. A business creating jobs through moneys
- 24 appropriated in this section shall be subject to
- 25 contract provisions requiring new and retained jobs to

26 be filled by individuals who are citizens of the United
 27 States who reside within the United States or any
 28 person authorized to work in the United States pursuant
 29 to federal law, including legal resident aliens in the
 30 United States.

31 b. Any vendor who receives moneys appropriated in
 32 this section shall adhere to such contract provisions
 33 and provide periodic assurances as the state shall
 34 require that the jobs are filled solely by citizens of
 35 the United States who reside within the United States
 36 or any person authorized to work in the United States
 37 pursuant to federal law, including legal resident
 38 aliens in the United States.

39 c. A business that receives financial assistance
 40 from the ~~department~~ authority from moneys appropriated
 41 in this section shall only employ individuals legally
 42 authorized to work in this state. In addition to all
 43 other applicable penalties provided by current law, all
 44 or a portion of the assistance received by a business
 45 which is found to knowingly employ individuals not
 46 legally authorized to work in this state is subject to
 47 recapture by the ~~department~~ authority.

48 5. USES OF APPROPRIATIONS

49 a. From the moneys appropriated in this section,
 50 the ~~department~~ authority may provide financial

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1 assistance in the form of a grant to a community
 2 economic development entity for conducting a local
 3 workforce recruitment effort designed to recruit former
 4 citizens of the state and former students at colleges
 5 and universities in the state to meet the needs of
 6 local employers.

7 b. From the moneys appropriated in this section,
 8 the ~~department~~ authority may provide financial
 9 assistance to early stage industry companies being
 10 established by women entrepreneurs.

11 c. From the moneys appropriated in this section,
 12 the ~~department~~ authority may provide financial
 13 assistance in the form of grants, loans, or forgivable
 14 loans for advanced research and commercialization
 15 projects involving value-added agriculture, advanced
 16 technology, or biotechnology.

17 d. The ~~department~~ authority shall not use any
 18 moneys appropriated in this section for purposes of
 19 providing financial assistance for the Iowa green
 20 streets pilot project or for any other program or
 21 project that involves the installation of geothermal
 22 systems for melting snow and ice from streets or
 23 sidewalks.

24 6. WORLD FOOD PRIZE

25 For allocating moneys for the world food prize and
 26 ~~notwithstanding in lieu~~ of the standing appropriation
 27 in section 15.368, subsection 1:
 28 \$ 250,000
 29 750,000
 30 Sec. 4. 2011 Iowa Acts, chapter 130, section 50,
 31 subsection 7, unnumbered paragraphs 1 and 2, are
 32 amended to read as follows:
 33 For allocation to the Iowa commission on volunteer
 34 service for the Iowa's promise and mentoring
 35 partnership programs, for transfer to the Iowa state
 36 commission grant program, and for not more than the
 37 following full-time equivalent positions:
 38 \$ 89,067
 39 178,133
 40 FTEs 7.00

41 Of the moneys appropriated in this subsection, the
 42 ~~department authority~~ shall allocate ~~\$37,500~~ \$75,000 for
 43 purposes of the Iowa state commission grant program and
 44 ~~\$51,567~~ \$103,133 for purposes of the Iowa's promise and
 45 mentoring partnership programs.

46 Sec. 5. 2011 Iowa Acts, chapter 130, section 51, is
 47 amended to read as follows:
 48 SEC. 51. VISION IOWA PROGRAM — FTE
 49 AUTHORIZATION. For purposes of administrative duties
 50 associated with the vision Iowa program for the fiscal

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1 year beginning July 1, 2012, the ~~department of~~ economic
 2 development authority is authorized an additional 2.25
 3 FTEs above those otherwise authorized in this division
 4 of this Act.

5 Sec. 6. 2011 Iowa Acts, chapter 130, section 52, is
 6 amended to read as follows:
 7 SEC. 52. INSURANCE ECONOMIC DEVELOPMENT. From
 8 the moneys collected by the division of insurance
 9 in excess of the anticipated gross revenues under
 10 section 505.7, subsection 3, during the fiscal year
 11 beginning July 1, 2012, \$100,000 shall be transferred
 12 to the ~~department of~~ economic development authority
 13 for insurance economic development and international
 14 insurance economic development.

15 Sec. 7. 2011 Iowa Acts, chapter 130, section 53, is
 16 amended to read as follows:
 17 SEC. 53. COMMUNITY DEVELOPMENT LOAN
 18 FUND. Notwithstanding section 15E.120, subsection
 19 5, there is appropriated from the Iowa community
 20 development loan fund all moneys available during the
 21 fiscal year beginning July 1, 2012, and ending June
 22 30, 2013, to the ~~department of~~ economic development
 23 authority for purposes of the community development

24 program.

25 Sec. 8. 2011 Iowa Acts, chapter 130, is amended by
26 adding the following new section:

27 SEC. 53A. INCENTIVE FUND. There is appropriated
28 from the general fund of the state to the economic
29 development authority for the fiscal year beginning
30 July 1, 2012, and ending June 30, 2013, the following
31 amount to be used for the purposes of incentives and
32 assistance to create high quality jobs and pursuant to
33 chapter 15:

34 \$ 20,000,000

35 Notwithstanding section 8.33, moneys appropriated in
36 this section that remain unencumbered or unobligated
37 at the close of the fiscal year shall not revert but
38 shall remain available for expenditure for the purposes
39 designated until the close of the succeeding fiscal
40 year.

41 Sec. 9. 2011 Iowa Acts, chapter 130, is amended by
42 adding the following new section:

43 SEC. 53B. MAIN STREET. There is appropriated
44 from the general fund of the state to the economic
45 development authority for the fiscal year beginning
46 July 1, 2012, and ending June 30, 2013, the following
47 amount to be used for the purposes of the United
48 States department of housing and urban development's
49 main street challenge grants for historic building
50 preservation:

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1 \$ 100,000

2 Notwithstanding section 8.33, moneys appropriated in
3 this section that remain unencumbered or unobligated
4 at the close of the fiscal year shall not revert but
5 shall remain available for expenditure for the purposes
6 designated until the close of the succeeding fiscal
7 year.

8 Sec. 10. 2011 Iowa Acts, chapter 130, section 54,
9 is amended to read as follows:

10 SEC. 54. WORKFORCE DEVELOPMENT FUND. There is
11 appropriated from the workforce development fund
12 account created in section 15.342A to the workforce
13 development fund created in section 15.343 for the
14 fiscal year beginning July 1, 2012, and ending June
15 30, 2013, the following amount, for purposes of the
16 workforce development fund:

17 \$ 2,000,000

18 4,000,000

19 Sec. 11. 2011 Iowa Acts, chapter 130, section 55,
20 is amended to read as follows:

21 SEC. 55. WORKFORCE DEVELOPMENT ADMINISTRATION.
22 From moneys appropriated or transferred to or receipts

23 credited to the workforce development fund created in
 24 section 15.343, up to \$400,000 for the fiscal year
 25 beginning July 1, 2012, and ending June 30, 2013, are
 26 appropriated to the ~~department of~~ economic development
 27 authority for the administration of workforce
 28 development activities including salaries, support,
 29 maintenance, and miscellaneous purposes, and for not
 30 more than the following full-time equivalent positions:
 31 FTEs 4.00
 32 Sec. 12. 2011 Iowa Acts, chapter 130, section 57,
 33 is amended to read as follows:
 34 SEC. 57. IOWA STATE UNIVERSITY.
 35 1. There is appropriated from the general fund
 36 of the state to Iowa state university of science
 37 and technology for the fiscal year beginning July
 38 1, 2012, and ending June 30, 2013, the following
 39 amount, or so much thereof as is necessary, to be used
 40 for small business development centers, the science
 41 and technology research park, and the institute for
 42 physical research and technology, and for not more than
 43 the following full-time equivalent positions:
 44 \$ 1,212,151
 45 2,424,302
 46 FTEs 56.63
 47 2. Of the moneys appropriated in subsection 1,
 48 Iowa state university of science and technology shall
 49 allocate at least ~~\$168,178~~ \$936,345 for purposes of
 50 funding small business development centers. Iowa state

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1 university of science and technology may allocate
 2 moneys appropriated in subsection 1 to the various
 3 small business development centers in any manner
 4 necessary to achieve the purposes of this subsection.
 5 3. Iowa state university of science and technology
 6 shall do all of the following:
 7 a. Direct expenditures for research toward projects
 8 that will provide economic stimulus for Iowa.
 9 b. Provide emphasis to providing services to
 10 Iowa-based companies.
 11 4. It is the intent of the general assembly
 12 that the industrial incentive program focus on Iowa
 13 industrial sectors and seek contributions and in-kind
 14 donations from businesses, industrial foundations, and
 15 trade associations, and that moneys for the institute
 16 for physical research and technology industrial
 17 incentive program shall be allocated only for projects
 18 which are matched by private sector moneys for directed
 19 contract research or for nondirected research. The
 20 match required of small businesses as defined in
 21 section 15.102, subsection ~~6~~ 10, for directed contract

22 research or for nondirected research shall be \$1 for
 23 each \$3 of state funds. The match required for other
 24 businesses for directed contract research or for
 25 nondirected research shall be \$1 for each \$1 of state
 26 funds. The match required of industrial foundations
 27 or trade associations shall be \$1 for each \$1 of state
 28 funds.

29 Iowa state university of science and technology
 30 shall report annually to the joint appropriations
 31 subcommittee on economic development and the
 32 legislative services agency the total amount of
 33 private contributions, the proportion of contributions
 34 from small businesses and other businesses, and
 35 the proportion for directed contract research and
 36 nondirected research of benefit to Iowa businesses and
 37 industrial sectors.

38 5. Notwithstanding section 8.33, moneys
 39 appropriated in this section that remain unencumbered
 40 or unobligated at the close of the fiscal year shall
 41 not revert but shall remain available for expenditure
 42 for the purposes designated until the close of the
 43 succeeding fiscal year.

44 Sec. 13. 2011 Iowa Acts, chapter 130, section 58,
 45 is amended to read as follows:

46 SEC. 58. UNIVERSITY OF IOWA.

47 1. There is appropriated from the general fund
 48 of the state to the state university of Iowa for the
 49 fiscal year beginning July 1, 2012, and ending June
 50 30, 2013, the following amount, or so much thereof

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1 as is necessary, to be used for the state university
 2 of Iowa research park and for the advanced drug
 3 development program at the Oakdale research park,
 4 including salaries, support, maintenance, equipment,
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:

7	\$	104,640
8		<u>209,279</u>
9	FTEs	6.00

10 2. The state university of Iowa shall do all of the
 11 following:

12 a. Direct expenditures for research toward projects
 13 that will provide economic stimulus for Iowa.

14 b. Provide emphasis to providing services to
 15 Iowa-based companies.

16 3. Notwithstanding section 8.33, moneys
 17 appropriated in this section that remain unencumbered
 18 or unobligated at the close of the fiscal year shall
 19 not revert but shall remain available for expenditure
 20 for the purposes designated until the close of the

21 succeeding fiscal year.

22 Sec. 14. 2011 Iowa Acts, chapter 130, section 59,
 23 is amended to read as follows:

24 SEC. 59. UNIVERSITY OF NORTHERN IOWA.

25 1. There is appropriated from the general fund of
 26 the state to the university of northern Iowa for the
 27 fiscal year beginning July 1, 2012, and ending June 30,
 28 2013, the following amount, or so much thereof as is
 29 necessary, to be used for the metal casting institute,
 30 the MyEntreNet internet application, and the institute
 31 of decision making, including salaries, support,
 32 maintenance, miscellaneous purposes, and for not more
 33 than the following full-time equivalent positions:

34	\$	287,358
35		<u>718,716</u>
36	FTEs	6.75

37 2. Of the moneys appropriated pursuant to
 38 subsection 1, the university of northern Iowa shall
 39 allocate at least ~~\$58,820~~ \$261,639 for purposes of
 40 support of entrepreneurs and small and micro businesses
 41 through the university's regional business center.

42 3. The university of northern Iowa shall do all of
 43 the following:

44 a. Direct expenditures for research toward projects
 45 that will provide economic stimulus for Iowa.

46 b. Provide emphasis to providing services to
 47 Iowa-based companies.

48 4. Notwithstanding section 8.33, moneys
 49 appropriated in this section that remain unencumbered
 50 or unobligated at the close of the fiscal year shall

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1 not revert but shall remain available for expenditure
 2 for the purposes designated until the close of the
 3 succeeding fiscal year.

4 Sec. 15. 2011 Iowa Acts, chapter 130, is amended by
 5 adding the following new section:

6 SEC. 60A. REGENTS INNOVATION FUND.

7 1. There is appropriated from the general fund
 8 of the state to the institutions of higher learning
 9 under the control of the state board of regents for the
 10 fiscal year beginning July 1, 2012, and ending June 30,
 11 2013, the following amount to be used for the purposes
 12 provided in this section:

13	\$	3,800,000
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14 Of the moneys appropriated pursuant to this section,
 15 thirty-five percent shall be allocated for Iowa state
 16 university, thirty-five percent shall be allocated
 17 for university of Iowa, and thirty percent shall be
 18 allocated for university of northern Iowa.

19 2. The institutions shall use moneys appropriated

20 in this section for capacity building infrastructure
 21 in areas related to technology commercialization,
 22 marketing and business development efforts in
 23 areas related to technology commercialization,
 24 entrepreneurship, and business growth, and
 25 infrastructure projects and programs needed to assist
 26 in the implementation of activities under chapter 262B.

27 3. The institutions shall provide a one-to-one
 28 match of additional moneys for the activities funded
 29 with moneys appropriated under this section.

30 4. The state board of regents shall annually
 31 prepare a report for submission to the governor, the
 32 general assembly, and the legislative services agency
 33 regarding the activities, projects, and programs
 34 funded with moneys allocated under this section. The
 35 report shall be provided in an electronic format and
 36 shall include a list of metrics and criteria mutually
 37 agreed to in advance by the board of regents and
 38 the economic development authority. The metrics and
 39 criteria shall allow the governor's office and the
 40 general assembly to quantify and evaluate the progress
 41 of the board of regents institutions with regard to
 42 their activities, projects, and programs in the areas
 43 of technology commercialization, entrepreneurship,
 44 regional development, and market research.

45 Sec. 16. 2011 Iowa Acts, chapter 130, section
 46 61, subsections 1 through 4, are amended to read as
 47 follows:

48 1. DIVISION OF LABOR SERVICES

49 a. For the division of labor services, including
 50 salaries, support, maintenance, miscellaneous

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1 purposes, and for not more than the following full-time
 2 equivalent positions:

3	\$	1,747,720
4		3,548,440
5	FTEs	64.00
6		<u>65.00</u>

7 b. From the contractor registration fees, the
 8 division of labor services shall reimburse the
 9 department of inspections and appeals for all costs
 10 associated with hearings under chapter 91C, relating
 11 to contractor registration.

12 c. Of the moneys appropriated under this
 13 subsection, the department shall allocate \$53,000 for
 14 the purpose of employing an additional investigator to
 15 investigate wage enforcement.

16 2. DIVISION OF WORKERS' COMPENSATION

17 a. For the division of workers' compensation,
 18 including salaries, support, maintenance, miscellaneous

19 purposes, and for not more than the following full-time
 20 equivalent positions:
 21 \$ 1,474,522
 22 3,102,044
 23 FTEs 30.00
 24 31.00

25 b. The division of workers' compensation shall
 26 charge a \$100 filing fee for workers' compensation
 27 cases. The filing fee shall be paid by the petitioner
 28 of a claim. However, the fee can be taxed as a cost
 29 and paid by the losing party, except in cases where
 30 it would impose an undue hardship or be unjust under
 31 the circumstances. The moneys generated by the filing
 32 fee allowed under this subsection are appropriated to
 33 the department of workforce development to be used for
 34 purposes of administering the division of workers'
 35 compensation.

36 c. Of the moneys appropriated under this
 37 subsection, the department shall allocate \$153,000 for
 38 the purpose of employing a chief deputy commissioner.

39 3. WORKFORCE DEVELOPMENT OPERATIONS

40 a. For the operation of field offices, the
 41 workforce development board, and for not more than the
 42 following full-time equivalent positions:

43 \$ 4,335,676
 44 8,671,352
 45 FTEs 130.00

46 b. Of the moneys appropriated in paragraph "a"
 47 of this subsection, the department shall allocate
 48 ~~\$4,330,240~~ \$8,510,480 for the operation of field
 49 offices and the department shall allocate \$150,000
 50 to the state library for the purpose of licensing an

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1 online resource which prepares persons to succeed in
 2 the workplace through programs which improve job skills
 3 and vocational test-taking abilities.

4 c. The department shall not reduce the number of
 5 field offices below the number of field offices being
 6 operated as of January 1, 2009.

7 4. OFFENDER REENTRY PROGRAM

8 a. For the development and administration of an
 9 offender reentry program to provide offenders with
 10 employment skills, and for not more than the following
 11 full-time equivalent positions:

12 \$ 142,232
 13 284,464
 14 FTEs 3.00
 15 4.00

16 b. The department shall partner with the department
 17 of corrections to provide staff within the correctional

18 facilities to improve offenders' abilities to find and
19 retain productive employment.

20 Sec. 17. 2011 Iowa Acts, chapter 130, section 61,
21 is amended by adding the following new subsection:

22 NEW SUBSECTION. 5. DEFINITIONS

23 For purposes of this section:

24 a. "Field office" means a satellite office of
25 a workforce development center through which the
26 workforce development center maintains a physical
27 presence in a county as described in section 84B.2.
28 For purposes of this paragraph, a workforce development
29 center maintains a physical presence in a county if the
30 center employs a staff person. "Field office" does not
31 include the presence of a workforce development center
32 maintained by electronic means.

33 b. "Workforce development center" means a center
34 at which state and federal employment and training
35 programs are colocated and at which services are
36 provided at a local level as described in section
37 84B.1.

38 Sec. 18. 2011 Iowa Acts, chapter 130, section 63,
39 is amended to read as follows:

40 SEC. 63. EMPLOYMENT SECURITY CONTINGENCY FUND.

41 1. There is appropriated from the special
42 employment security contingency fund to the department
43 of workforce development for the fiscal year beginning
44 July 1, 2012, and ending June 30, 2013, the following
45 amount, or so much thereof as is necessary, to be used
46 for field offices:

47 \$ 608,542
48 1,217,084

49 2. There is appropriated from the special
50 employment security contingency fund to the division

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1 of workers' compensation for the fiscal year beginning
2 July 1, 2012, and ending June 30, 2013, the following
3 amount or so much thereof as is necessary, to be used
4 for hiring and compensating a deputy commissioner of
5 workers' compensation:

6 \$ 160,000

7 ~~2.~~ 3. Any remaining additional penalty and
8 interest revenue collected by the department of
9 workforce development is appropriated to the department
10 for the fiscal year beginning July 1, 2012, and
11 ending June 30, 2013, to accomplish the mission of the
12 department.

13 Sec. 19. 2011 Iowa Acts, chapter 130, section 64,
14 is amended to read as follows:

15 SEC. 64. UNEMPLOYMENT COMPENSATION RESERVE FUND

16 — FIELD OFFICES. Notwithstanding section 96.9,

17 subsection 8, paragraph “e”, there is appropriated
 18 from interest earned on the unemployment compensation
 19 reserve fund to the department of workforce development
 20 for the fiscal year beginning July 1, 2012, and ending
 21 June 30, 2013, the following amount or so much thereof
 22 as is necessary, for the purposes designated:

23 For the operation of field offices:
 24 \$ 1,200,000
 25 633,000

26 Sec. 20. 2011 Iowa Acts, chapter 130, section 65,
 27 is amended to read as follows:
 28 SEC. 65. GENERAL FUND — EMPLOYEE MISCLASSIFICATION

29 PROGRAM. There is appropriated from the general fund
 30 of the state to the department of workforce development
 31 for the fiscal year beginning July 1, 2012, and
 32 ending June 30, 2013, the following amount, or so much
 33 thereof as is necessary, to be used for the purposes
 34 designated:

35 For enhancing efforts to investigate employers that
 36 misclassify workers and for not more than the following
 37 full-time equivalent positions:
 38 \$ 225,720
 39 451,458
 40 FTEs 8.10

41 Sec. 21. 2011 Iowa Acts, chapter 130, section 67,
 42 subsection 1, is amended to read as follows:

43 1. There is appropriated from the general fund
 44 of the state to the Iowa finance authority for the
 45 fiscal year beginning July 1, 2012, and ending June 30,
 46 2013, the following amount, or so much thereof as is
 47 necessary, to be used to provide reimbursement for rent
 48 expenses to eligible persons under the rent subsidy
 49 program:

50 \$ 320,000

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1 658,000

2 Sec. 22. 2011 Iowa Acts, chapter 130, section 69,
 3 is amended to read as follows:

4 SEC. 69. PUBLIC EMPLOYMENT RELATIONS BOARD.

5 1. There is appropriated from the general fund of
 6 the state to the public employment relations board for
 7 the fiscal year beginning July 1, 2012, and ending June
 8 30, 2013, the following amount, or so much thereof as
 9 is necessary, for the purposes designated:

10 For salaries, support, maintenance, miscellaneous
 11 purposes, and for not more than the following full-time
 12 equivalent positions:
 13 \$ 528,036
 14 1,148,426
 15 FTEs 10.00

16 2. Of the moneys appropriated in this section,
 17 the board shall allocate \$15,000 for maintaining a
 18 website that allows searchable access to a database of
 19 collective bargaining information.

20 Sec. 23. Section 123.143, subsection 3, Code
 21 Supplement 2011, is amended to read as follows:

22 3. Barrel tax revenues collected on beer
 23 manufactured in this state from a class "A" permittee
 24 which owns and operates a brewery located in Iowa shall
 25 be credited to the barrel tax fund hereby created in
 26 the office of the treasurer of state. Moneys deposited
 27 in the barrel tax fund shall not revert to the general
 28 fund of the state without a specific appropriation by
 29 the general assembly. Moneys in the barrel tax fund
 30 are appropriated to ~~the economic development authority~~
 31 ~~for purposes of section 15E.117 Iowa state university~~
 32 ~~of science and technology and for purposes of the~~
 33 ~~midwest grape and wine industry institute.~~

34 Notwithstanding section 8.33, moneys appropriated in
 35 this subsection that remain unencumbered or unobligated
 36 at the close of a fiscal year shall not revert but
 37 shall remain available for expenditure for the purposes
 38 designated until the close of the succeeding fiscal
 39 year.

40 Sec. 24. Section 123.183, Code Supplement 2011, is
 41 amended by striking the subsection and inserting in
 42 lieu thereof the following:

43 2. a. Revenue collected from the wine gallonage
 44 tax on wine manufactured for sale and sold in this
 45 state, and on wine subject to direct shipment as
 46 provided in section 123.187 by a wine manufacturer
 47 licensed or permitted pursuant to laws regulating
 48 alcohol beverages in this state, shall be deposited in
 49 the wine gallonage tax fund as created in this section.

50 b. (1) A wine gallonage tax fund is created in the

Page 15

1 office of the treasurer of the state.
 2 (2) All moneys deposited in the fund are
 3 appropriated to Iowa state university of science and
 4 technology for purposes of the midwest grape and wine
 5 industry institute.
 6 (3) Notwithstanding section 8.33, moneys
 7 appropriated in this section that remain unencumbered
 8 or unobligated at the close of a fiscal year shall
 9 not revert but shall remain available for expenditure
 10 for the purposes designated until the close of the
 11 succeeding fiscal year.
 12 Sec. 25. NEW SECTION. 266.21 Iowa wine and beer
 13 promotion board.
 14 1. The advisory board of the midwest grape and
 15 wine industry institute at Iowa state university of

16 science and technology shall establish a wine and beer
17 promotion board.

18 2. The wine and beer promotion board shall consist
19 of three members appointed by the advisory board. Each
20 member shall serve a term of three years on the board.
21 One member shall represent Iowa wine makers and one
22 member shall represent Iowa beer makers. The third
23 member shall have expertise in marketing and shall be
24 mutually agreed upon by the other two wine and beer
25 promotion board members. The member representing Iowa
26 beer makers shall control the moneys in the midwest
27 grape and wine industry institute that are derived from
28 the tax on wholesale sales of native beer and shall
29 use those moneys to promote native beer made in Iowa.
30 The member representing Iowa wine makers shall control
31 the moneys in the midwest grape and wine industry
32 institute that are derived from the tax on native wine
33 manufactured for sale and sold in the state and shall
34 use those moneys to promote wine made in Iowa.

35 3. The wine and beer promotion board shall advise
36 the advisory board of the midwest grape and wine
37 industry institute at Iowa state university of science
38 and technology on the best means to promote wine and
39 beer made in Iowa.

40 Sec. 26. Section 303.1, subsection 4, Code 2011, is
41 amended by adding the following new paragraph:

42 NEW PARAGRAPH. e. Film office.

43 Sec. 27. NEW SECTION. 303.95 Film office.

44 The department shall establish and administer a film
45 office. The purpose of the film office is to assist
46 legitimate film, television, and video producers in the
47 production of film, television, and video projects in
48 the state and to create a positive fiscal impact on the
49 state's economy through such projects.

50 Sec. 28. REPEAL. Sections 15E.116 and 15E.117,

Page 16

1 Code and Code Supplement 2011, are repealed.
2 Sec. 29. TRANSITIONAL PROVISIONS — TRANSFER OF
3 FUNDS. Any moneys remaining in any account or fund
4 under the control of the economic development authority
5 on the effective date of this Act relative to the Iowa
6 wine and beer promotion board shall be transferred
7 to Iowa state university of science and technology
8 for the midwest grape and wine industry institute.
9 Notwithstanding section 8.33, moneys transferred in
10 accordance with this section shall not revert to the
11 account or fund from which it was appropriated or
12 transferred.

13 Sec. 30. TRANSITIONAL PROVISIONS — EMERGENCY
14 ADMINISTRATIVE RULEMAKING. The department of cultural
15 affairs may adopt emergency rules under section

16 17A.4, subsection 3, and section 17A.5, subsection 2,
 17 paragraph "b", to implement the provisions of this Act
 18 relating to a film office in the department of cultural
 19 affairs, and the rules shall be effective January 1,
 20 2013, unless a later date is specified in the rules.
 21 Any rules adopted in accordance with this section shall
 22 also be published as a notice of intended action as
 23 provided in section 17A.4.
 24 Sec. 31. EFFECTIVE UPON ENACTMENT. The section
 25 of this division of this Act providing for emergency
 26 rulemaking, being deemed of immediate importance, takes
 27 effect upon enactment.>
 28 2. Title page, line 6, by striking <and
 29 retroactive>

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-5085

1 Amend Senate File 2236 as follows:
 2 1. Page 1, by striking line 8 and inserting
 3 <government oversight. The reports are required only
 4 if gifts are received and shall be filed no later
 5 than>
 6 2. By striking page 4, line 35, through page 5,
 7 line 4.
 8 3. Page 6, after line 6 by inserting:
 9 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 10 being deemed of immediate importance, takes effect upon
 11 enactment.>
 12 4. Title page, line 3, after <applicable> by
 13 inserting <and including effective date provisions>

JEFF DANIELSON

S-5086

1 Amend Senate File 2275 as follows:
 2 1. Page 6, after line 26 by inserting:
 3 <Sec. ____ Section 99F.11, subsection 3, paragraph
 4 e, Code Supplement 2011, is amended to read as follows:
 5 e. (1) The Except as otherwise provided in this
 6 paragraph "e", the remaining amount of the adjusted
 7 gross receipts tax shall be credited to the general
 8 fund of the state.
 9 (2) Notwithstanding any provision of this paragraph
 10 "e" or section 8.57 to the contrary, the remaining
 11 amount of the adjusted gross receipts tax on internet
 12 wagering shall be deposited into the road use tax fund
 13 created pursuant to section 312.1.>
 14 2. By renumbering as necessary.

JONI ERNST

S-5087

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 4, by striking line 33 and inserting
- 3 <material" includes television, video, or motion
- 4 picture>
- 5 2. By striking page 4, line 35, through page 5,
- 6 line 4.
- 7 3. Page 5, line 10, by striking <radio advertising
- 8 or>
- 9 4. By renumbering as necessary.

JEFF DANIELSON

S-5088

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 1, line 4, after <department> by inserting
- 3 <the judicial branch, member of the general
- 4 assembly.>
- 5 2. Page 1, line 17, after <department> by inserting
- 6 <the judicial branch, member of the general assembly,
- 7 or accepted by the governor on behalf of the state>
- 8 3. Page 1, line 18, after <department> by inserting
- 9 <the judicial branch, a member of the general
- 10 assembly, or the governor>
- 11 4. Page 5, line 14, after <1.> by inserting <a.>
- 12 5. Page 5, line 14, after <branch> by inserting
- 13 <, the judicial branch, or members of the general
- 14 assembly>
- 15 6. Page 5, after line 17 by inserting:
- 16 <b. A spouse, child, sibling, or domestic partner
- 17 who receives a gift or payment for employment from a
- 18 restricted donor of an executive branch or judicial
- 19 branch official or employee, or a member of the general
- 20 assembly, shall report that gift or payment as provided
- 21 in this section.>
- 22 7. Page 5, line 22, after <employee> by inserting
- 23 <or member of the general assembly>
- 24 8. Page 5, line 23, before <branch> by inserting
- 25 <or judicial>
- 26 9. Page 5, line 26, after <employee> by inserting
- 27 <or member>

MARK CHELGREN

S-5089

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 2, by striking lines 14 through 30.
- 3 2. By striking page 3, line 16, through page 4,
- 4 line 16.
- 5 3. By renumbering as necessary.

MARK CHELGREN

S-5090

- 1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 1, after <Code> by inserting
4 <Supplement>
- 5 2. Page 1, line 8, after <board.> by inserting
6 <An application pursuant to this paragraph shall not
7 be filed prior to January 1, 2013. The utility shall
8 provide the board and the office of consumer advocate
9 notice of the utility's intent to file the application
10 at least six months prior to filing.>
- 11 3. Page 1, line 26, by striking <2.> and inserting
12 <2.>
- 13 4. Page 1, by striking line 29 and inserting
14 <generating facility, as provided in subsection 1,
15 shall be>
- 16 5. Page 1, by striking line 35 and inserting <in
17 subsection 1, shall be implemented by considering the>
- 18 6. By striking page 2, line 4, through page 3, line
19 14.
- 20 7. Page 5, after line 27 by inserting:
21 <(0a) Determine whether the proposed ratemaking
22 principles constitute a prudent plan to develop new
23 electric power generation at a reasonable cost to
24 customers. In the event that the board determines the
25 proposed plan is not reasonable, the board may reject
26 the request for ratemaking principles, or specify
27 alternative ratemaking principles consistent with the
28 provisions and requirements of this section.>
- 29 8. Page 6, line 28, after <principle.> by inserting
30 <Such application for ratemaking principles must
31 contain a cap for projected annual expenditures. The
32 board shall be prohibited from allowing recovery of
33 costs in excess of the proposed cap unless the utility
34 can demonstrate the prudence of expenditures in excess
35 of the cap in a subsequent annual proceeding.>
- 36 9. Page 6, line 32, after <board> by inserting <,
37 plus an additional period of up to twenty-four months
38 if the board at any time determines additional time for
39 cost recovery to be in the public interest>
- 40 10. Page 7, line 4, after <filing.> by inserting
41 <However, cost recovery shall be precluded until the
42 utility has demonstrated in a filing with the board
43 that the utility has incurred costs associated with
44 licensing, permitting, or constructing the nuclear
45 generating facility.>
- 46 11. Page 7, line 24, by striking <(1)> and
47 inserting <(i)>
- 48 12. Page 7, line 27, by striking <(2)> and
49 inserting <(ii)>
- 50 13. Page 7, line 30, by striking <(3)> and

Page 2

- 1 inserting <(iii)>
2 14. Page 8, line 10, by striking <elects not to
3 complete or>
4 15. Page 8, line 11, after <facility.> by inserting
5 <The complete methodology for determination of prudent
6 costs shall be addressed as a ratemaking principle.>
7 16. Page 9, line 12, after <facility.> by inserting
8 <The business case shall include at a minimum
9 consideration of the following:
10 (a) Projections of capital expenditures.
11 (b) Projections of operating and maintenance
12 expenditures.
13 (c) Projections of staffing requirements.
14 (d) Project scheduling.
15 (e) A description of the selected form of nuclear
16 technology.>
17 17. Page 9, line 34, by striking <Any> and
18 inserting <As the development of nuclear electric power
19 generation requires significant capital investment,
20 ongoing operating expenses, and decommissioning
21 expenses, including storage or disposal of used nuclear
22 fuel, and a substantial period of time for successful
23 nuclear generation development, siting, permitting,
24 licensing, and deployment, any>
25 18. Page 12, line 11, after <study> by inserting
26 <to the general assembly>
27 19. Page 12, line 12, by striking <2012> and
28 inserting <2013>
29 20. Page 12, lines 21 and 22, by striking
30 <department of economic development> and inserting
31 <economic development authority>
32 21. Page 12, line 26, by striking <2012> and
33 inserting <2013>
34 22. Page 12, after line 26 by inserting:
35 <Sec. ____ EFFECTIVE UPON ENACTMENT. The portion
36 of this Act amending section 476.53, subsection 4,
37 being deemed of immediate importance, takes effect upon
38 enactment.>
39 23. Title page, line 2, after <facilities> by
40 inserting <, and including effective date provisions>
41 24. By renumbering, redesignating, and correcting
42 internal references as necessary.

COMMITTEE ON COMMERCE
MATT McCOY, Chair

S-5091

1 Amend House File 2226, as passed by the House, as
 2 follows:
 3 1. Page 1, before line 10 by inserting:
 4 <Sec. ____ Section 235A.18, subsection 1, paragraph
 5 a, Code Supplement 2011, is amended to read as follows:
 6 a. Report and disposition data relating to a
 7 particular case of alleged child abuse shall be sealed
 8 ten years after the initial placement of the data
 9 in the registry unless good cause be shown why the
 10 data should remain open to authorized access. If a
 11 subsequent report of an alleged case of child abuse
 12 involving the child named in the initial data placed in
 13 the registry as the victim of abuse or a person named
 14 in the data as having abused a child is received by the
 15 department within this ten-year period, the data shall
 16 be sealed ten years after receipt of the subsequent
 17 report unless good cause be shown why the data should
 18 remain open to authorized access. However, ~~such~~
 19 ~~report and a person named in the initial data placed~~
 20 in the registry as having abused a child shall have
 21 the person's name removed from the registry if that
 22 person has not had a subsequent case of alleged abuse
 23 which resulted in the person's name being placed in the
 24 registry as the person responsible for the abuse within
 25 the ten-year period. Report and disposition data shall
 26 be made available to the department of justice if the
 27 department requests access to the alleged child abuse
 28 records for purposes of review by the prosecutor's
 29 review committee or commitment of sexually violent
 30 predators under chapter 229A.>
 31 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 AMANDA RAGAN, Chair

S-5092

1 Amend House File 2305, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, after line 4 by inserting:
 4 <Sec. ____ Section 231.14, subsection 1, Code 2011,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. j. Adopt policies and
 7 administrative rules pursuant to chapter 17A that
 8 support the capabilities of the area agencies on aging
 9 and the aging and disabilities resource centers to
 10 serve older individuals and persons with disabilities
 11 experiencing Alzheimer's disease or related dementias.>
 12 2. Page 7, after line 16 by inserting:
 13 <Sec. ____ Section 231.64, Code 2011, is amended by

14 striking the section and inserting in lieu thereof the
15 following:

16 231.64 Aging and disability resource center program.

17 1. The aging and disability resource center program
18 shall be administered by the department consistent
19 with the federal Act. The department shall designate
20 participating entities to establish a coordinated
21 system for providing all of the following:

22 a. Comprehensive information, referral, and
23 assistance regarding the full range of available public
24 and private long-term care programs, options, service
25 providers, and resources within a community, including
26 information on the availability of integrated long-term
27 care.

28 b. Personal counseling to assist individuals in
29 assessing their existing or anticipated long-term
30 care needs and developing and implementing a plan
31 for long-term care designed to meet their specific
32 needs and circumstances. The plan for long-term
33 care may include support with person-centered care
34 transitions to assist consumers and family caregivers
35 with transitions between home and care settings.

36 c. Consumer access to the range of
37 publicly-supported long-term care programs for which
38 consumers may be eligible, by serving as a convenient
39 point of entry for such programs.

40 2. The aging and disability resource center
41 program shall assist older individuals, persons with
42 disabilities age eighteen or older, family caregivers,
43 and people who inquire about or request assistance
44 on behalf of members of these groups, as they seek
45 long-term care services and supports.>

46 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Chair

S-5093

1 Amend Senate File 2316 as follows:

2 1. Page 2, by striking lines 9 and 10 and inserting
3 <department for the fiscal period beginning July 1,
4 2008, and ending June 30, 2012, from the rebuild Iowa
5 infrastructure fund, the FY 2009 prison bonding fund,
6 the revenue bonds capitals fund, and the revenue
7 bonds capitals II fund, for any prison repairs,
8 construction,>

9 2. Page 2, before line 23 by inserting:

10 <_. DEPARTMENT OF EDUCATION

11 For accelerated career education program capital
12 projects at community colleges that are authorized
13 under chapter 260G and that meet the definition of

- 14 the term “vertical infrastructure” in section 8.57,
- 15 subsection 6, paragraph “c”:
- 16 FY 2012–2013 \$ 2,500,000>
- 17 3. Page 6, by striking lines 7 through 11.
- 18 4. By renumbering as necessary.

MATT McCOY

S-5094

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 1, by striking lines 19 through 25 and
- 3 inserting:
- 4 <a. For the provision of land mobile radio
- 5 communications equipment purchased by the department of
- 6 corrections with the goal of achieving compliance with
- 7 the federal communication commission’s narrowbanding
- 8 mandate deadline, and for achieving interoperability as
- 9 defined in section 80.28, notwithstanding section 8.57,
- 10 subsection 6, paragraph “c”:>
- 11 2. Page 1, line 31, by striking <may> and inserting
- 12 <shall>
- 13 3. By renumbering as necessary.

STEVEN J. SODDERS

S-5095

- 1 Amend the House amendment, S-3246, to Senate File
- 2 365, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 3, through page 2, line
- 5 31, and inserting:
- 6 <__. By striking everything after the enacting
- 7 clause and inserting:
- 8 <Section 1. Section 232.8, subsection 1, paragraph
- 9 c, Code 2011, is amended to read as follows:
- 10 c. Violations by a child, aged sixteen or older,
- 11 which subject the child to the provisions of section
- 12 124.401, subsection 1, paragraph “e” or “f”, or
- 13 violations of section 723A.2 which involve a violation
- 14 of chapter 724, or violation of chapter 724 which
- 15 constitutes a felony, or violations which constitute
- 16 a forcible felony are excluded from the jurisdiction
- 17 of the juvenile court and shall be prosecuted as
- 18 otherwise provided by law unless the district court
- 19 transfers jurisdiction of the child to the juvenile
- 20 court upon motion and for good cause pursuant to
- 21 section 803.6. ~~A child over whom jurisdiction has not~~
- 22 ~~been transferred to the juvenile court, and who is~~
- 23 ~~convicted of a violation excluded from the jurisdiction~~
- 24 ~~of the juvenile court under this paragraph, shall be~~

25 ~~sentenced pursuant to section 124.401B, 902.9, or~~
 26 ~~903.1.~~ Notwithstanding any other provision of the
 27 Code to the contrary, the district court may accept
 28 from a child in district court a plea of guilty, or
 29 may instruct the jury on a lesser included offense
 30 to the offense excluded from the jurisdiction of the
 31 juvenile court under this section, in the same manner
 32 as regarding an adult. The judgment and sentence of
 33 a child in district court shall be as provided in
 34 section 901.5. However, the juvenile court shall
 35 have exclusive original jurisdiction in a proceeding
 36 concerning an offense of animal torture as provided in
 37 section 717B.3A alleged to have been committed by a
 38 child under the age of seventeen.

39 Sec. 2. Section 232.8, subsection 3, paragraph a,
 40 Code 2011, is amended to read as follows:

41 a. The juvenile court, after a hearing and in
 42 accordance with the provisions of section 232.45, may
 43 waive jurisdiction of a child alleged to have committed
 44 a public offense so that the child may be prosecuted
 45 as an adult or youthful offender for such offense in
 46 another court. If the child, ~~except a child being~~
 47 ~~prosecuted as a youthful offender,~~ pleads guilty or is
 48 found guilty of a public offense other than a class "A"
 49 felony in another court of this state, that court may
 50 suspend the sentence or, with the consent of the child,

Page 2

1 defer judgment and without regard to restrictions
 2 placed upon deferred judgments for adults, place the
 3 child on probation for a period of not less than one
 4 year upon such conditions as it may require. Upon
 5 fulfillment of the conditions of probation, a child
 6 who receives a deferred judgment shall be discharged
 7 without entry of judgment. A child prosecuted as
 8 a youthful offender shall be sentenced pursuant to
 9 section 907.3A.

10 Sec. 3. Section 232.45, subsection 6, unnumbered
 11 paragraph 1, Code 2011, is amended to read as follows:

12 At the conclusion of the waiver hearing the court
 13 may waive its jurisdiction over the child for the
 14 alleged commission of the public offense for the
 15 purpose of prosecution of the child as an adult if all
 16 of the following apply:

17 Sec. 4. Section 232.45, subsection 7, paragraph
 18 a, subparagraph (1), Code 2011, is amended to read as
 19 follows:

20 (1) The child is twelve through fifteen years of
 21 age or ~~younger~~ the child is ten or eleven years of age
 22 and has been charged with a public offense that would
 23 be classified as a class "A" felony if committed by an

24 adult.

25 Sec. 5. Section 232.45A, subsections 2 and 3, Code
26 2011, are amended to read as follows:

27 2. Once a child sixteen years of age or older
28 has been waived ~~to and convicted of an aggravated~~
29 ~~misdemeanor or a felony in~~ by the juvenile court to the
30 district court, all subsequent criminal proceedings
31 against the child ~~for any aggravated misdemeanor~~
32 ~~or felony occurring subsequent to the date of the~~
33 ~~conviction of the child for any delinquent act~~
34 committed after the date of the waiver by the juvenile
35 court shall begin in district court, notwithstanding
36 sections 232.8 and 232.45. A copy of the findings
37 required by section 232.45, subsection 10, shall
38 be made a part of the record in the district court
39 proceedings. However, upon acquittal or dismissal
40 in district court of all waived offenses and all
41 lesser included offenses of the waived offenses, the
42 proceedings for any delinquent act committed by the
43 child subsequent to such acquittal or dismissal shall
44 begin in juvenile court. Any proceedings initiated in
45 district court for a public offense committed by the
46 child subsequent to the waiver by the juvenile court,
47 but prior to any acquittal or dismissal of all waived
48 offenses and lesser included offenses in district
49 court, shall remain in district court.

50 3. If proceedings against a child ~~for an aggravated~~

Page 3

1 ~~misdemeanor or a felony~~ sixteen years of age or older
2 who has previously been waived to and convicted of
3 ~~an aggravated misdemeanor or a felony in the district~~
4 court are mistakenly begun in the juvenile court, the
5 matter shall be transferred to district court upon
6 the discovery of the prior waiver and conviction,
7 notwithstanding sections 232.8 and 232.45.>

8 Sec. 6. Section 232.50, subsection 1, Code 2011, is
9 amended to read as follows:

10 1. As soon as practicable following the entry
11 of an order of adjudication pursuant to section
12 232.47 or notification that the child has ~~received a~~
13 ~~youthful offender deferred sentence~~ been placed on
14 youthful offender status pursuant to section 907.3A,
15 the court shall hold a dispositional hearing in order
16 to determine what disposition should be made of the
17 matter.

18 Sec. 7. Section 232.52, subsection 1, Code 2011, is
19 amended to read as follows:

20 1. Pursuant to a hearing as provided in section
21 232.50, the court shall enter the least restrictive
22 dispositional order appropriate in view of the

23 seriousness of the delinquent act, the child's
24 culpability as indicated by the circumstances of
25 the particular case, the age of the child, the
26 child's prior record, or the fact that the child has
27 ~~received a youthful offender deferred sentence~~ been
28 placed on youthful offender status under section
29 907.3A. The order shall specify the duration and
30 the nature of the disposition, including the type of
31 residence or confinement ordered and the individual,
32 agency, department, or facility in whom custody is
33 vested. In the case of a child who has ~~received a~~
34 ~~youthful offender deferred sentence~~ been placed on
35 youthful offender status, the initial duration of the
36 dispositional order shall be until the child reaches
37 the age of eighteen.

38 Sec. 8. Section 232.54, subsection 1, paragraph g,
39 Code 2011, is amended to read as follows:

40 g. With respect to a juvenile court dispositional
41 order entered regarding a child who has ~~received a~~
42 ~~youthful offender deferred sentence~~ been placed on
43 youthful offender status under section 907.3A, the
44 dispositional order may be terminated prior to the
45 child reaching the age of eighteen upon motion of the
46 child, the person or agency to whom custody of the
47 child has been transferred, or the county attorney
48 following a hearing before the juvenile court if it is
49 shown by clear and convincing evidence that it is in
50 the best interests of the child and the community to

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1 terminate the order. The hearing may be waived if all
2 parties to the proceeding agree. The dispositional
3 order regarding a child who has ~~received a youthful~~
4 ~~offender deferred sentence~~ been placed on youthful
5 offender status may also be terminated prior to the
6 child reaching the age of eighteen upon motion of the
7 county attorney, if the waiver of the child to district
8 court was conditioned upon the terms of an agreement
9 between the county attorney and the child, and the
10 child violates the terms of the agreement after the
11 waiver order has been entered. The district court
12 shall discharge the child's youthful offender status
13 upon receiving a termination order under this section.

14 Sec. 9. Section 232.54, subsection 1, paragraph h,
15 unnumbered paragraph 1, Code 2011, is amended to read
16 as follows:

17 With respect to a dispositional order entered
18 regarding a child who has ~~received a youthful offender~~
19 ~~deferred sentence~~ been placed on youthful offender
20 status under section 907.3A, the juvenile court may,
21 in the case of a child who violates the terms of the

22 order, modify or terminate the order in accordance with
23 the following:

24 Sec. 10. Section 232.55, subsection 3, Code 2011,
25 is amended to read as follows:

26 3. This section does not apply to dispositional
27 orders entered regarding a child who has ~~received a~~
28 ~~youthful offender deferred sentence~~ been placed on
29 youthful offender status under section 907.3A who
30 is not discharged from probation before or upon the
31 child's eighteenth birthday.

32 Sec. 11. Section 232.56, Code 2011, is amended to
33 read as follows:

34 232.56 Youthful offenders — transfer to district
35 court supervision.

36 The juvenile court shall deliver a report, which
37 includes an assessment of the child by a juvenile court
38 officer after consulting with the judicial district
39 department of correctional services, to the district
40 court prior to the eighteenth birthday of a child who
41 has ~~received a youthful offender deferred sentence~~
42 been placed on youthful offender status under section
43 907.3A. A hearing shall be held in the district court
44 in accordance with section 907.3A to determine whether
45 the child should be discharged from youthful offender
46 status or whether the child shall continue under the
47 supervision of the district court after the child's
48 eighteenth birthday.

49 Sec. 12. Section 901.5, Code Supplement 2011, is
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 14. Notwithstanding any provision
2 in section 907.3 or any other provision of law
3 prescribing a mandatory minimum sentence for the
4 offense, if the defendant is guilty of a public offense
5 other than a class "A" felony, and was a minor at
6 the time the offense was committed, the court may
7 suspend the sentence in whole or in part, including any
8 mandatory minimum sentence, defer sentence, or with the
9 consent of the defendant, defer judgment, and place the
10 defendant on probation, upon such conditions as the
11 court may require.

12 Sec. 13. Section 907.3A, Code 2011, is amended to
13 read as follows:

14 907.3A Youthful ~~offender deferred sentence~~ —
15 ~~youthful~~ offender status.

16 1. Notwithstanding section 907.3 but subject to any
17 conditions of the waiver order, the trial court shall,
18 upon a plea of guilty or a verdict of guilty, ~~defer~~
19 ~~sentence of a youthful offender~~ place the juvenile
20 over whom the juvenile court has waived jurisdiction

21 pursuant to section 232.45, subsection 7, ~~and place~~
22 ~~the juvenile~~ on youthful offender status. The court
23 shall transfer supervision of the youthful offender
24 to the juvenile court for disposition in accordance
25 with section 232.52. An adjudication of delinquency
26 entered by the juvenile court at disposition for
27 a public offense shall not be deemed a conviction
28 and shall not preclude the subsequent entry of a
29 deferred judgment, conviction, or sentence by the
30 district court. The court shall require supervision
31 of the youthful offender in accordance with section
32 232.54, subsection 1, paragraph "h", or subsection 2
33 of this section. ~~Notwithstanding section 901.2, a~~
34 ~~presentence investigation shall not be ordered by the~~
35 ~~court subsequent to an entry of a plea of guilty or~~
36 ~~verdict of guilty or prior to deferral of sentence of a~~
37 ~~youthful offender under this section.~~

38 2. The court shall hold a hearing prior to a
39 youthful offender's eighteenth birthday to determine
40 whether the youthful offender shall continue on
41 youthful offender status after the youthful offender's
42 eighteenth birthday ~~under the supervision of the~~
43 ~~court or be discharged.~~ Notwithstanding section
44 901.2, the court may order a presentence investigation
45 report including a report for an offense classified
46 as a class "A" felony. The court shall review the
47 report of the juvenile court regarding the youthful
48 offender ~~and prepared pursuant to section 232.56,~~
49 ~~and any presentence investigation report, if ordered~~
50 ~~by the court. The court~~ shall hear evidence by or

Page 6

1 on behalf of the youthful offender, by the county
2 attorney, and by the person or agency to whom custody
3 of the youthful offender was transferred. The court
4 shall make its decision, pursuant to the sentencing
5 options available in subsection 3, after considering
6 the services available to the youthful offender, the
7 evidence presented, the juvenile court's report, the
8 presentence investigation report if ordered by the
9 court, the interests of the youthful offender, and
10 interests of the community.

11 3. a. Notwithstanding any provision of the Code
12 which prescribes a mandatory minimum sentence for the
13 offense committed by the youthful offender, following
14 transfer of the youthful offender from the juvenile
15 court back to the court having jurisdiction over the
16 criminal proceedings involving the youthful offender,
17 the court ~~may continue the youthful offender deferred~~
18 ~~sentence or enter a sentence, which may be a suspended~~
19 ~~sentence.~~ shall order one of the following sentencing

20 options:

21 (1) Defer judgment and place the youthful offender
 22 on probation, upon the consent of the youthful
 23 offender.

24 (2) Defer the sentence and place the youthful
 25 offender on probation upon such terms and conditions
 26 as the court may require.

27 (3) Suspend the sentence and place the youthful
 28 offender on probation upon such terms and conditions
 29 as the court may require.

30 (4) A term of confinement.

31 (5) Discharge the youthful offender from youthful
 32 offender status and terminate the sentence.

33 b. Notwithstanding anything in section 907.7 to
 34 the contrary, if the district court ~~either grants~~
 35 the youthful offender a deferred judgment, continues
 36 the youthful offender deferred sentence, or enters a
 37 sentence; and suspends the sentence, and places the
 38 youthful offender on probation, the term of formal
 39 supervision shall commence upon entry of the order by
 40 the district court and may continue for a period not
 41 to exceed five years. If the district court enters a
 42 sentence of confinement, and the youthful offender was
 43 previously placed in secure confinement by the juvenile
 44 court under the terms of the initial disposition order
 45 or any modification to the initial disposition order,
 46 the person shall receive credit for any time spent in
 47 secure confinement. During any period of probation
 48 imposed by the district court, a youthful offender who
 49 violates the terms of probation is subject to section
 50 908.11.

Page 7

1 _____. Title page, line 2, after <status> by
 2 inserting <and the prosecution of a juvenile in
 3 juvenile or>>

PAM JOCHUM

S-5096

1 Amend Senate File 2321 as follows:

2 1. Page 5, by striking lines 17 through 28 and
 3 inserting:

4 <For purposes of optimizing the job placement of
 5 individuals with disabilities, the division shall make
 6 its best efforts to work with community rehabilitation
 7 program providers for job placement and retention
 8 services for individuals with significant disabilities
 9 and most significant disabilities. By January 15,
 10 2013, the division shall submit a written report to the

11 general assembly on the division’s outreach efforts
 12 with community rehabilitation program providers.>
 13 2. Page 29, after line 7 by inserting:
 14 <Sec. ____ Section 261.19, subsection 3, Code
 15 Supplement 2011, is amended to read as follows:
 16 3. A health care professional recruitment ~~revolving~~
 17 fund is created in the state treasury as a separate
 18 fund under the control of the commission for deposit of
 19 moneys appropriated to or received by the commission
 20 for use under the program. The commission shall
 21 ~~deposit payments made by health care professional~~
 22 ~~recruitment program recipients and the proceeds from~~
 23 ~~the sale of osteopathic loans awarded pursuant to~~
 24 ~~section 261.19, subsection 2, paragraph “b”, Code 2011,~~
 25 ~~into the health care professional recruitment revolving~~
 26 ~~fund. Moneys credited to the fund shall be used to~~
 27 ~~supplement moneys appropriated for the health care~~
 28 ~~professional recruitment program, for loan repayment~~
 29 ~~in accordance with this section, and to pay for loan~~
 30 ~~or interest repayment defaults by program recipients.~~
 31 Notwithstanding section 8.33, any balance in the fund
 32 on June 30 of any fiscal year shall not revert to the
 33 general fund of the state but shall remain in the fund
 34 and be continuously available for loan forgiveness
 35 under the program. Notwithstanding section 12C.7,
 36 subsection 2, interest or earnings on moneys deposited
 37 in the fund shall be credited to the fund.>
 38 3. By renumbering as necessary.

BRIAN SCHOENJAHN

S-5097

1 Amend Senate File 2316 as follows:
 2 1. Page 7, after line 8 by inserting:
 3 <____ DEPARTMENT OF CULTURAL AFFAIRS
 4 For providing a grant to the Grout museum district
 5 for the Sullivan brothers veterans museum for costs
 6 associated with the oral history exhibit including but
 7 not limited to exhibit information technology, computer
 8 connectivity, and interactive display technologies:
 9 FY 2013–2014 \$ 129,450>
 10 2. By renumbering as necessary.

JEFF DANIELSON

S-5098

1 Amend Senate File 2317 as follows:
 2 1. Page 13, after line 18 by inserting:
 3 <Sec. ____ Section 483A.24, Code Supplement 2011,
 4 is amended by adding the following new subsection:

- 5 NEW SUBSECTION. 7A. A resident of the state under
- 6 sixteen years of age is not required to have a fur
- 7 harvester license to accompany the minor’s parent or
- 8 guardian, or any other competent adult with the consent
- 9 of the minor’s parent or guardian, while the parent or
- 10 guardian or other adult is hunting raccoons so long as
- 11 the minor is not hunting and does not carry or use a
- 12 firearm or any other weapon.>
- 13 2. Title page, line 1, after <hunting> by inserting
- 14 <, fur harvester,>
- 15 3. By renumbering as necessary.

PAUL MCKINLEY

S-5099

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 4, after line 29 by inserting:
- 3 <c. To Iowa state university of science and
- 4 technology to be used for the phase II expansion of a
- 5 building at the science and technology research park:
- 6 FY 2013–2014 \$ 1,000,000>
- 7 2. By renumbering as necessary.

MATT McCOY
ROBERT BACON

S-5100

- 1 Amend House File 2315, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, before <A> by inserting <a.>
- 4 2. Page 1, after line 10 by inserting:
- 5 <b. Moneys in the fund shall not be used to finance
- 6 the purchase by an individual of a manufactured home
- 7 that is placed upon a rented lot in a manufactured
- 8 home community or mobile home park unless the rental
- 9 agreement meets the requirements of chapter 562B and
- 10 chapter 648.>
- 11 3. Page 2, after line 5 by inserting:
- 12 <Sec. ____ Section 562B.10, subsection 4, Code
- 13 2011, is amended to read as follows:
- 14 4. Rental agreements shall be for a term of at
- 15 least one year unless otherwise specified in the
- 16 rental agreement. Rental agreements shall be ~~cancelled~~
- 17 ~~terminated~~ by at least sixty days’ written notice
- 18 given by ~~either party~~ a tenant unless the tenant is
- 19 terminating the rental agreement pursuant to a section
- 20 of this chapter which allows for a shorter notice
- 21 period. ~~A landlord shall not cancel a rental agreement~~
- 22 ~~solely for the purpose of making the tenant’s mobile~~
- 23 ~~home space available for another mobile home.~~ Rental

24 agreements shall be terminated by a landlord, or not
25 renewed by a landlord, in a time and manner which
26 complies with this chapter.

27 Sec. ____ Section 562B.10, Code 2011, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 4A. a. A landlord may terminate a
30 tenancy during the initial twelve months of the tenancy
31 if the tenant engages in any of the following:

32 (1) A material noncompliance with the rental
33 agreement.

34 (2) A material violation of the manufactured
35 mobile home community or mobile home park rules or
36 regulations.

37 (3) Any other violation of this chapter for which
38 termination is a remedy.

39 b. A landlord may terminate a tenancy after the
40 initial twelve months, or may only fail to renew a
41 tenancy, for any of the following reasons:

42 (1) A legitimate and material business reason the
43 impact of which is not specific to one tenant.

44 (2) A change in the use of the land if a change in
45 the use of the land is included in the rental agreement
46 as grounds for termination or nonrenewal.

47 (3) Any of the reasons included in paragraph "a".

48 c. A landlord may terminate or not renew a tenancy
49 pursuant to paragraph "b", subparagraphs (1) and (2),
50 by a written notice given to the tenant at least sixty

Page 2

1 days prior to the periodic rental date specified in the
2 notice. The notice shall specify all facts which give
3 rise to the notice of termination or failure to renew.

4 Sec. ____ Section 562B.25, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. If rent is unpaid when due and the tenant
7 fails to pay rent within ~~three~~ fourteen days after
8 written notice by the landlord of nonpayment and of the
9 landlord's intention to terminate the rental agreement
10 if the rent is not paid within that period of time, the
11 landlord may terminate the rental agreement.

12 Sec. ____ Section 648.3, subsection 1, Code 2011,
13 is amended to read as follows:

14 1. Before action can be brought under any ground
15 specified in section 648.1, except subsection 1, three
16 days' notice to quit must be given to the defendant in
17 writing. However, a landlord who has given a tenant
18 three days' notice to pay rent and has terminated the
19 tenancy as provided in section 562A.27, subsection 2,
20 or fourteen days' notice to pay rent as provided in
21 section 562B.25, subsection 2, if the tenant is renting
22 the manufactured or mobile home or the land from the

23 landlord, may commence the action without giving a
 24 three-day notice to quit.
 25 Sec. ____ Section 648.4, Code 2011, is amended to
 26 read as follows:
 27 648.4 Notice terminating tenancy.
 28 When the tenancy is at will and the action is based
 29 on the ground of the nonpayment of rent when due, no
 30 notice of the termination of the tenancy other than
 31 the three-day notice, or, if the tenant is renting
 32 the manufactured or mobile home or the land from the
 33 landlord, the fourteen-day notice pursuant to section
 34 562B.25, subsection 2, need be given before beginning
 35 the action.>
 36 4. Title page, line 1, after <Act> by inserting
 37 <relating to manufactured housing and mobile homes by>
 38 5. Title page, line 1, after <fund> by inserting
 39 <and by including provisions relating to mobile and
 40 manufactured home tenancy rental agreements, notice of
 41 unpaid rent, and forcible entry and detainer actions>
 42 6. By renumbering as necessary.

THOMAS G. COURTNEY

S-5101

1 Amend House File 490, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 668.11, Code 2011, is amended
 6 to read as follows:
 7 668.11 ~~Disclosure~~ Designation of and certifications
 8 by expert witnesses in liability cases involving
 9 licensed professionals.
 10 1. A party in a professional liability case brought
 11 against a licensed professional pursuant to this
 12 chapter who intends to call an expert witness of ~~their~~
 13 the party's own selection, shall ~~certify~~ designate to
 14 the court and all other parties the expert and include
 15 the expert's name; and qualifications, ~~and~~ the purpose
 16 for calling the expert, and the element or elements of
 17 the cause of action about which the expert will testify
 18 within the following time period:
 19 a. The plaintiff within one hundred eighty days of
 20 the defendant's answer unless the court for good cause
 21 not ex parte extends the time of disclosure.
 22 b. The defendant within ninety days of plaintiff's
 23 certification.
 24 2. If a party fails to disclose an expert pursuant
 25 to subsection 1 or does not make ~~the an~~ expert
 26 available for discovery, the expert shall be prohibited
 27 from testifying in the action unless leave for the

28 expert's testimony is given by the court for good cause
29 shown.

30 3. This section does not apply to court appointed
31 experts or to rebuttal experts called with the approval
32 of the court.

33 4. a. An expert witness designated by the
34 plaintiff to testify about a breach of the standard of
35 care or causation of damages shall sign a certification
36 at the time of designation stating that to the best
37 of the expert's knowledge, information, and belief,
38 based on the information reasonably available to the
39 expert at the time of the certification, the expert has
40 a good-faith belief that the defendant or defendants
41 breached the applicable standard of care or that the
42 breach was the cause of the damages alleged or both, if
43 applicable.

44 b. An expert shall be given an opportunity to
45 certify supplementary information if the substance of
46 the expert's testimony relating to a breach of the
47 standard of care or causation of damages has been
48 updated, revised, or changed since the time of the
49 original certification, in accordance with the rules
50 of civil procedure.

Page 2

1 5. Upon motion, the court may limit the number of
2 experts designated by a party to avoid unreasonably
3 cumulative or duplicative evidence, undue burden or
4 expense, or for other good cause.>

5 2. Title page, by striking lines 1 and 2 and
6 inserting <An Act relating to the designation of and
7 certifications by expert witnesses in liability cases
8 involving licensed professionals.>

COMMITTEE ON JUDICIARY
GENE FRAISE, Chair

S-5102

1 Amend House File 2390, as passed by the House, as
2 follows:

3 1. Page 3, line 8, after <act.> by inserting <A
4 visual depiction containing pictorial representations
5 of different minors shall be prosecuted and punished as
6 separate offenses for each pictorial representation of
7 a different minor in the visual depiction. However,
8 violations of this subsection involving multiple visual
9 depictions of the same minor shall be prosecuted and
10 punished as one offense.>

COMMITTEE ON JUDICIARY
GENE FRAISE, Chair

S-5103

- 1 Amend Senate File 2317 as follows:
- 2 1. Page 3, line 15, by striking <\$ 17.00> and
- 3 inserting <\$ ~~17.00~~ 10.00>
- 4 2. Page 3, line 17, by striking < \$ 28.00> and
- 5 inserting < \$ 21.00>
- 6 3. Page 3, line 24, by striking <\$ 25.50> and
- 7 inserting <\$ ~~25.50~~ 10.00>

SHAWN HAMERLINCK

S-5104

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 3, after line 24 by inserting:
- 3 <Of the amount appropriated in this lettered
- 4 paragraph, \$200,000 shall be used for the installation
- 5 of an electric fish barrier for a creek in a county
- 6 with a population between 16,000 and 17,000 with a
- 7 county seat population between 4,500 and 5,000 as
- 8 determined by the 2010 federal decennial census.>
- 9 2. By renumbering as necessary.

DENNIS H. BLACK
DAVID JOHNSON

S-5105

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 5, by striking lines 24 through 29.
- 3 2. By renumbering as necessary.

MARK CHELGREN

S-5106

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 2, after line 22 by inserting:
- 3 <c. For providing a grant to the Grout museum
- 4 district for the Sullivan brothers veterans museum
- 5 for costs associated with the oral history exhibit
- 6 including but not limited to exhibit information
- 7 technology, computer connectivity, and interactive
- 8 display technologies notwithstanding section 8.57,
- 9 subsection 6, paragraph "c":
- 10 FY 2012-2013 \$ 150,000>
- 11 2. Page 5, by striking lines 24 through 29.
- 12 3. By renumbering as necessary.

MATT McCOY

S-5107

- 1 Amend the amendment, S-5106, to Senate File 2316 as
 2 follows:
 3 1. Page 1, by striking lines 3 through 9 and
 4 inserting:
 5 <c. For continuation of the project recommended
 6 by the Iowa battle flag advisory committee to
 7 stabilize the condition of the battle flag collection,
 8 notwithstanding section 8.57, subsection 6, paragraph
 9 "c":>
 10 2. By renumbering as necessary.

JAMES A. SEYMOUR
 MERLIN BARTZ

S-5108

- 1 Amend the amendment, S-5056, to House File 2335,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 10, line 15, by striking <5,675,042> and
 5 inserting <5,527,042>
 6 2. Page 10, line 17, by striking <297.01> and
 7 inserting <296.00>
 8 3. Page 13, after line 24 by inserting:
 9 <9. For costs associated with the training and
 10 operation of the statewide interoperable communications
 11 system board excluding salaries and contracts:
 12 \$ 148,000>

TOM HANCOCK

S-5109

- 1 Amend the amendment, S-5056, to House File 2335,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 16, after line 48 by inserting:
 5 <Sec. ____ Section 904A.4A, Code 2011, is amended
 6 by adding the following new subsections:
 7 NEW SUBSECTION. 7. Act as the representative of
 8 the board relative to the passage, defeat, approval, or
 9 modification of legislation that is being considered by
 10 the general assembly.
 11 NEW SUBSECTION. 8. Develop a budget for the board
 12 subject to the approval of the board and prepare all
 13 reports required by law.
 14 NEW SUBSECTION. 9. Hire and supervise all staff
 15 pursuant to the provisions of chapter 8A, subchapter
 16 IV.
 17 Sec. ____ REPEAL. Section 904A.4B, Code 2011, is
 18 repealed.>

TOM HANCOCK

S-5110

HOUSE AMENDMENT TO
SENATE FILE 479

1 Amend Senate File 479, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 484B.1, Code 2011, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 3A. "Domesticated swine" means
7 livestock that is a member of the species or subspecies
8 *sus scrofa domesticus*. "Domesticated swine" does
9 not include a dangerous wild animal as defined in
10 section 717F.1, including a member of the species *sus*
11 *scrofa linnaeus*, such as swine commonly known as a
12 Russian boar or European boar of either sex. A swine
13 classified by the department of agriculture and land
14 stewardship as fifteen percent or more Russian boar or
15 European boar is not a domesticated swine.

16 Sec. ____ Section 484B.4, subsection 1, Code 2011,
17 is amended to read as follows:

18 1. A person who owns or controls by lease or
19 otherwise for five or more years, a contiguous tract
20 of land having an area of not less than three hundred
21 twenty acres, and who desires to establish a hunting
22 preserve, to propagate and sell game birds and their
23 young or unhatched eggs, ~~and or~~ shoot game birds, ~~and~~
24 ungulates, or domesticated swine on the land, under
25 this chapter or the rules of the commission, shall
26 make application to the department for an operator's
27 license. The application shall be made under oath of
28 the applicant or under oath of one of its principal
29 officers if the applicant is an association or
30 corporation. Under the authority of this license, any
31 property or facilities to be used for propagating,
32 holding, processing, or pasturing of game birds, ~~or~~
33 ungulates, or domesticated swine shall not be required
34 to be contained within the contiguous land area
35 used for hunting purposes. The application shall be
36 accompanied by an operator's license fee of two hundred
37 dollars.

38 Sec. ____ Section 484B.4, subsection 2, paragraph
39 d, Code 2011, is amended to read as follows:

40 d. The game birds, ~~or~~ ungulates, or domesticated
41 swine released on the preserve will not be detrimental
42 to wildlife.

43 Sec. ____ Section 484B.7, subsection 2, Code 2011,
44 is amended to read as follows:

45 2. Each licensee shall file an annual report with
46 the department on or before April 30. The report
47 shall detail the hunting preserve operations during

48 the preceding license year. The original report shall
49 be forwarded to the department and a copy shall be
50 retained in the hunting preserve's file for three years

Page 2

1 from the date of expiration of the hunting preserve's
2 last license issued. Records required by this section
3 shall be entered in the annual report record within
4 twenty-four hours of the event. Failure to keep or
5 submit the required records and reports is grounds for
6 refusal to renew a license for the succeeding year. An
7 on-site inspection of property and facilities shall
8 be conducted by an authorized agent of the department
9 prior to the initial issuance of a hunting preserve
10 license. The hunting preserve may be reinspected by
11 an agent of the department at any reasonable time.
12 A licensed hunting preserve shall maintain adequate
13 facilities for all designated birds, ~~and~~ ungulates,
14 or domesticated swine held under the hunting preserve
15 license.

16 Sec. __. NEW SECTION. 484B.12A Domesticated swine

17 1. The requirements of this chapter applicable
18 to ungulates shall apply to domesticated swine. In
19 addition, a person shall not obtain or retain a hunting
20 preserve license to confine domesticated swine unless
21 all of the following apply:

22 a. The domesticated swine must be confined by a
23 fence as provided in section 484B.5 that is constructed
24 in a manner and using materials approved by the
25 department of natural resources in cooperation with the
26 department of agriculture and land stewardship.

27 b. The department of natural resources shall
28 provide for special tags to identify domesticated swine
29 in the same manner as provided for ungulates in section
30 484B.9.

31 c. In addition to the health requirements for
32 ungulates provided in section 484B.12, a domesticated
33 swine shall be subject to all statutes and rules
34 applicable to the health of swine, as provided in Title
35 V, subtitle 2, including the prevention, control,
36 and eradication of diseases afflicting swine. The
37 department of agriculture may adopt rules to provide
38 for the testing of such swine. The department of
39 agriculture and land stewardship may require special
40 information included in records or reports as provided
41 in section 484B.7.

42 2. The department of natural resources and the
43 department of agriculture and land stewardship
44 shall cooperate in administering this section.
45 In administering this section, the department of
46 agriculture and land stewardship may inspect a proposed

47 hunting preserve and its facilities as provided in
 48 section 484B.4 and may inspect the records or reports
 49 of a hunting preserve licensee, and may inspect
 50 the licensed hunting preserve and facilities at any

Page 3

- 1 reasonable time.>
 2 2. Page 1, line 1, after <Code> by inserting
 3 <Supplement>
 4 3. Page 1, by striking lines 13 through 25 and
 5 inserting <the family felidae classified as a bengal
 6 with an ancestor classified as an Asian leopard
 7 cat which is a member of the species prionailurus
 8 bengalensis. The bengal must be the fourth or later
 9 filial generation of offspring with the first filial
 10 generation being the offspring of a domestic cat and an
 11 Asian leopard cat, and each subsequent generation being
 12 the offspring of a domestic cat.>
 13 4. Page 1, before line 26 by inserting:
 14 <Sec. ____ WILD BOARS.
 15 1. As used in this section, "wild boar" means swine
 16 that is a member of the species sus scrofa linnaeus,
 17 including but not limited to swine commonly known as a
 18 Russian boar or European boar of either sex.
 19 2. Notwithstanding chapter 717F, a person who since
 20 July 1, 2007, has confined one or more wild boars on
 21 a contiguous tract of land having an area of not less
 22 than three hundred twenty acres that is or has been
 23 licensed as a hunting preserve under chapter 484B shall
 24 have ninety days from the effective date of this Act to
 25 destroy all wild boars possessed by the person.
 26 3. A person who complies with subsection 2 shall
 27 not be subject to section 484B.13, 484B.14, or
 28 717F.11.>
 29 5. Title page, line 1, before <cats> by inserting
 30 <, and penalties relating to, swine classified as
 31 domesticated swine and wild boars and>
 32 6. Title page, line 2, by striking <and savannahs>
 33 7. By renumbering as necessary.

S-5111

HOUSE AMENDMENT TO SENATE FILE 2164

- 1 Amend Senate File 2164, as passed by the Senate, as
 2 follows:
 3 1. Page 2, after line 4 by inserting:
 4 <Sec. ____ Section 237A.5, subsection 2, Code 2011,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. 0g. A person subject to a record

7 check who is or was employed by a child care facility
8 or child care home provider and is hired by another
9 child care facility or child care home provider,
10 shall be subject to a record check in accordance with
11 this subsection. However, if the person was subject
12 to an evaluation because of a transgression in the
13 person's record and the evaluation determined that
14 the transgression did not warrant prohibition of the
15 person's involvement with child care and the latest
16 record checks do not indicate there is a transgression
17 that was committed subsequent to that evaluation,
18 the person may commence employment with the other
19 child care facility or provider in accordance with
20 the department's evaluation and an exemption from
21 any requirements for reevaluation of the latest
22 record checks is authorized. Authorization of an
23 exemption under this paragraph "0g" from requirements
24 for reevaluation of the latest record checks by
25 the department is subject to all of the following
26 provisions:

27 (1) The position with the subsequent employer
28 is substantially the same or has the same job
29 responsibilities as the position for which the previous
30 evaluation was performed.

31 (2) Any restrictions placed on the person's
32 employment in the previous evaluation by the department
33 shall remain applicable in the person's subsequent
34 employment.

35 (3) The person subject to the record checks has
36 maintained a copy of the previous evaluation and
37 provides the evaluation to the subsequent employer or
38 the previous employer provides the previous evaluation
39 from the person's personnel file pursuant to the
40 person's authorization. If a physical copy of the
41 previous evaluation is not provided to the subsequent
42 employer, the record checks shall be reevaluated.

43 (4) Although an exemption under this paragraph
44 "0g" may be authorized, the subsequent employer may
45 instead request a reevaluation of the record checks and
46 may employ the person while the reevaluation is being
47 performed.>

48 2. Title page, line 3, after <facilities> by
49 inserting <and child care facilities and homes>

50 3. By renumbering as necessary.

S-5112

HOUSE AMENDMENT TO SENATE FILE 2221

1 Amend Senate File 2221, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 17, after <the> by inserting
 4 <information in the Iowa court information system
 5 available to the general public, the>

S-5113

HOUSE AMENDMENT TO
 SENATE FILE 2312

- 1 Amend Senate File 2312 as follows:
 2 1. Page 4, by striking lines 9 through 11
 3 and inserting <the district court or the clerk's
 4 designee shall require the interested person referred
 5 to in section 229.6, subsection 1, to request a
 6 preapplication>
 7 2. Page 5, by striking lines 6 through 8 and
 8 inserting <section, the clerk or the clerk's designee
 9 shall require the interested person referred to in
 10 subsection 1 to request a preapplication screening
 11 assessment pursuant>

S-5114

HOUSE AMENDMENT TO
 SENATE FILE 2313

- 1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. 2011 Iowa Acts, chapter 127, section
 6 9, subsection 2, paragraph c, is amended by adding the
 7 following new subparagraph:
 8 NEW SUBPARAGRAPH. (3) Notwithstanding section
 9 8.33 or any other provision to the contrary,
 10 any unencumbered or unobligated balance of the
 11 appropriation made in this paragraph for the
 12 insurance division or any other appropriation made for
 13 operational purposes for the fiscal year beginning July
 14 1, 2011, and ending June 30, 2012, that remains unused,
 15 unencumbered, or unobligated at the close of the fiscal
 16 year shall not revert but shall remain available to be
 17 used for any relocation costs of the division in the
 18 succeeding fiscal year.
 19 Sec. 2. 2011 Iowa Acts, chapter 127, section 61, is
 20 amended to read as follows:
 21 **SEC. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.**
 22 1. There is appropriated from the general fund of
 23 the state to the department of administrative services
 24 for the fiscal year beginning July 1, 2012, and ending
 25 June 30, 2013, the following amounts, or so much
 26 thereof as is necessary, to be used for the purposes

27	designated, and for not more than the following		
28	full-time equivalent positions:		
29	a. For salaries, support, maintenance, and		
30	miscellaneous purposes:		
31	.....	\$	<u>2,010,172</u>
32	.....		<u>3,901,735</u>
33	.....	FTEs	<u>84.18</u>
34	.....		<u>78.37</u>
35	b. For the payment of utility costs:		
36	.....	\$	<u>1,313,230</u>
37	.....		<u>2,548,973</u>
38	.....	FTEs	1.00
39	Notwithstanding section 8.33, any excess funds		
40	appropriated for utility costs in this lettered		
41	paragraph shall not revert to the general fund of the		
42	state at the end of the fiscal year but shall remain		
43	available for expenditure for the purposes of this		
44	lettered paragraph during the succeeding fiscal year.		
45	c. For Terrace Hill operations:		
46	.....	\$	<u>202,957</u>
47	.....		<u>393,939</u>
48	.....	FTEs	6.88
49	d. For the I3 distribution account:		
50	.....	\$	<u>1,638,973</u>

Page 2

1			<u>0</u>
2	e. For operations and maintenance of the Iowa		
3	building:		
4	.....	\$	<u>497,768</u>
5	.....		<u>966,164</u>
6	.....	FTEs	<u>7.00</u>
7	.....		<u>6.78</u>

8 2. Members of the general assembly serving as
9 members of the deferred compensation advisory board
10 shall be entitled to receive per diem and necessary
11 travel and actual expenses pursuant to section 2.10,
12 subsection 5, while carrying out their official duties
13 as members of the board.

14 3. Any funds and premiums collected by the
15 department for workers' compensation shall be
16 segregated into a separate workers' compensation
17 fund in the state treasury to be used for payment of
18 state employees' workers' compensation claims and
19 administrative costs. Notwithstanding section 8.33,
20 unencumbered or unobligated moneys remaining in this
21 workers' compensation fund at the end of the fiscal
22 year shall not revert but shall be available for
23 expenditure for purposes of the fund for subsequent
24 fiscal years.

27 PROGRAM. Contingent upon the enactment of legislation
 28 during the 2012 legislative session establishing
 29 a medication therapy management program, there is
 30 transferred from the fees collected by the board of
 31 pharmacy pursuant to chapter 155A and retained by the
 32 board pursuant to the authority granted in section
 33 147.82 to the department of administrative services
 34 for the fiscal year beginning July 1, 2012, and ending
 35 June 30, 2013, \$510,000 to be used for the medication
 36 therapy management program.

37 Sec. 4. 2011 Iowa Acts, chapter 127, section 65, is
 38 amended to read as follows:

39 SEC. 65. AUDITOR OF STATE.

40 1. There is appropriated from the general fund of
 41 the state to the office of the auditor of state for the
 42 fiscal year beginning July 1, 2012, and ending June
 43 30, 2013, subject to subsection 3 of this section, the
 44 following amount, or so much thereof as is necessary,
 45 to be used for the purposes designated, and for not
 46 more than the following full-time equivalent positions:

47 For salaries, support, maintenance, and
 48 miscellaneous purposes:

49	\$	452,734
50		<u>878,755</u>

Page 3

1	FTEs	103.00
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2 2. The auditor of state may retain additional
 3 full-time equivalent positions as is reasonable and
 4 necessary to perform governmental subdivision audits
 5 which are reimbursable pursuant to section 11.20
 6 or 11.21, to perform audits which are requested by
 7 and reimbursable from the federal government, and
 8 to perform work requested by and reimbursable from
 9 departments or agencies pursuant to section 11.5A
 10 or 11.5B. The auditor of state shall notify the
 11 department of management, the legislative fiscal
 12 committee, and the legislative services agency of the
 13 additional full-time equivalent positions retained.

14 3. The auditor of state shall allocate resources
 15 from the appropriation in this section solely for audit
 16 work related to the comprehensive annual financial
 17 report, federally required audits, and investigations
 18 of embezzlement, theft, or other significant financial
 19 irregularities until the audit of the comprehensive
 20 annual financial report is complete.

21 Sec. 5. 2011 Iowa Acts, chapter 127, section 66, is
 22 amended to read as follows:

23 SEC. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE

24 BOARD. There is appropriated from the general fund of
 25 the state to the Iowa ethics and campaign disclosure
 26 board for the fiscal year beginning July 1, 2012, and

27 ending June 30, 2013, the following amount, or so much
 28 thereof as is necessary, for the purposes designated:

29 For salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:
 32 \$ 237,500
 33 475,000
 34 FTEs 5.00

35 Sec. 6. 2011 Iowa Acts, chapter 127, section 67,
 36 subsection 1, is amended to read as follows:

37 1. There is appropriated from the general fund
 38 of the state to the department of commerce for the
 39 fiscal year beginning July 1, 2012, and ending June 30,
 40 2013, the following amounts, or so much thereof as is
 41 necessary, for the purposes designated:

42 a. ALCOHOLIC BEVERAGES DIVISION

43 For salaries, support, maintenance, and
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:
 46 \$ 610,196
 47 1,184,387
 48 FTEs 21.00
 49 18.50

50 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

Page 4

1 For salaries, support, maintenance, and
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:

4 \$ 300,177
 5 582,641
 6 FTEs 12.00

7 Sec. 7. 2011 Iowa Acts, chapter 127, section 67,
 8 subsection 2, paragraphs a, b, and c, are amended to
 9 read as follows:

10 a. BANKING DIVISION

11 For salaries, support, maintenance, and
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions:
 14 \$ 4,425,835
 15 9,098,170
 16 FTEs 80.00
 17 70.50

18 b. CREDIT UNION DIVISION

19 For salaries, support, maintenance, and
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:
 22 \$ 863,998
 23 1,792,995
 24 FTEs 19.00
 25 15.00

26 c. INSURANCE DIVISION

27 (1) For salaries, support, maintenance, and
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:
 30 \$ 2,491,622
 31 4,983,244
 32 FTEs 106.50
 33 99.50

34 (2) The insurance division may reallocate
 35 authorized full-time equivalent positions as necessary
 36 to respond to accreditation recommendations or
 37 requirements. The insurance division expenditures
 38 for examination purposes may exceed the projected
 39 receipts, refunds, and reimbursements, estimated
 40 pursuant to section 505.7, subsection 7, including the
 41 expenditures for retention of additional personnel,
 42 if the expenditures are fully reimbursable and the
 43 division first does both of the following:

44 (a) Notifies the department of management, the
 45 legislative services agency, and the legislative fiscal
 46 committee of the need for the expenditures.

47 (b) Files with each of the entities named in
 48 subparagraph division (a) the legislative and
 49 regulatory justification for the expenditures, along
 50 with an estimate of the expenditures.

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1 Sec. 8. 2011 Iowa Acts, chapter 127, section 67,
 2 subsection 2, paragraph d, subparagraphs (1) and (2),
 3 are amended to read as follows:

4 (1) For salaries, support, maintenance, and
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:
 7 \$ 4,086,535
 8 8,173,069
 9 FTEs 79.00

10 (2) The utilities division may expend additional
 11 funds, including funds for additional personnel, if
 12 those additional expenditures are actual expenses which
 13 exceed the funds budgeted for utility regulation and
 14 the expenditures are fully reimbursable. Before the
 15 division expends or encumbers an amount in excess of
 16 the funds budgeted for regulation, the division shall
 17 first do both of the following:

18 (a) Notify the department of management, the
 19 legislative services agency, and the legislative fiscal
 20 committee of the need for the expenditures.

21 (b) File with each of the entities named in
 22 subparagraph division (a) the legislative and
 23 regulatory justification for the expenditures, along
 24 with an estimate of the expenditures.

25 Sec. 9. 2011 Iowa Acts, chapter 127, section 67,

26 subsection 2, paragraph d, subparagraph (4), is amended
 27 to read as follows:

28 (4) In addition to the funds otherwise appropriated
 29 to the division in subparagraph (1), and contingent
 30 upon the enactment of legislation during the ~~2011~~
 31 2012 legislative session relating to the permitting,
 32 licensing, construction, and operation of nuclear
 33 generation facilities and establishing rate-making
 34 principles in relation thereto, for salaries, support,
 35 consulting, maintenance, and miscellaneous purposes,
 36 and for not more than the following full-time
 37 equivalent positions:

38	\$	425,000
39	FTEs	3.50

40 Sec. 10. 2011 Iowa Acts, chapter 127, section 68,

41 is amended to read as follows:

42 SEC. 68. DEPARTMENT OF COMMERCE — PROFESSIONAL
 43 LICENSING AND REGULATION BUREAU. There is appropriated
 44 from the housing trust fund of the Iowa finance
 45 authority created in section 16.181, to the bureau of
 46 professional licensing and regulation of the banking
 47 division of the department of commerce for the fiscal
 48 year beginning July 1, 2012, and ending June 30,
 49 2013, the following amount, or so much thereof as is
 50 necessary, to be used for the purposes designated:

Page 6

1 For salaries, support, maintenance, and
 2 miscellaneous purposes:

3	\$	31,150
4		<u>62,317</u>

5 Sec. 11. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 6 COMMISSION — REGIONAL TELECOMMUNICATIONS
 7 COUNCILS. There is appropriated from the general
 8 fund of the state to the Iowa telecommunications and
 9 technology commission for the fiscal year beginning
 10 July 1, 2012, and ending June 30, 2013, the following
 11 amounts, or so much thereof as is necessary, to be used
 12 for the purposes designated:

13 For state aid for regional telecommunications
 14 councils:

15	\$	992,913
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16 The regional telecommunications councils established
 17 in section 8D.5 shall use the moneys appropriated
 18 in this section to provide technical assistance for
 19 network classrooms, planning and troubleshooting for
 20 local area networks, scheduling of video sites, and
 21 other related support activities.

22 Sec. 12. 2011 Iowa Acts, chapter 127, section 69,
 23 is amended to read as follows:

24 SEC. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There
 25 is appropriated from the general fund of the state to

26 the offices of the governor and the lieutenant governor
 27 for the fiscal year beginning July 1, 2012, and ending
 28 June 30, 2013, the following amounts, or so much
 29 thereof as is necessary, to be used for the purposes
 30 designated:

31 For salaries, support, maintenance, and		
32 miscellaneous purposes:		
33	\$	<u>1,144,013</u>
34		<u>2,220,523</u>
35	FTEs	<u>22.88</u>
36		<u>22.00</u>

37 Sec. 13. 2011 Iowa Acts, chapter 127, section 70,
 38 is amended to read as follows:

39 SEC. 70. GOVERNOR'S OFFICE OF DRUG CONTROL
 40 POLICY. There is appropriated from the general fund
 41 of the state to the governor's office of drug control
 42 policy for the fiscal year beginning July 1, 2012, and
 43 ending June 30, 2013, the following amount, or so much
 44 thereof as is necessary, to be used for the purposes
 45 designated:

46 For salaries, support, maintenance, and
 47 miscellaneous purposes, including statewide
 48 coordination of the drug abuse resistance education
 49 (D.A.R.E.) programs or similar programs, and for not
 50 more than the following full-time equivalent positions:

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1	\$	<u>145,000</u>
2		<u>290,000</u>
3	FTEs	<u>8.00</u>
4		<u>6.00</u>

5 Sec. 14. 2011 Iowa Acts, chapter 127, section 71,
 6 is amended to read as follows:

7 SEC. 71. DEPARTMENT OF HUMAN RIGHTS. There is
 8 appropriated from the general fund of the state to
 9 the department of human rights for the fiscal year
 10 beginning July 1, 2012, and ending June 30, 2013, the
 11 following amounts, or so much thereof as is necessary,
 12 to be used for the purposes designated:

13 1. CENTRAL ADMINISTRATION DIVISION		
14 For salaries, support, maintenance, and		
15 miscellaneous purposes, and for not more than the		
16 following full-time equivalent positions:		
17	\$	<u>103,052</u>
18		<u>200,022</u>
19	FTEs	<u>7.00</u>
20		<u>5.35</u>

21 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

22 For salaries, support, maintenance, and
 23 miscellaneous purposes, and for not more than the
 24 following full-time equivalent positions:

25	\$	<u>514,030</u>
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26		997,746
27 FTEs	<u>17.00</u>
28		<u>9.38</u>
29	3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION	
30	For salaries, support, maintenance, and	
31	miscellaneous purposes, and for not more than the	
32	following full-time equivalent positions:	
33	..... \$	511,946
34		<u>993,685</u>
35	..... FTEs	10.00
36	The criminal and juvenile justice planning advisory	
37	council and the juvenile justice advisory council	
38	shall coordinate their efforts in carrying out their	
39	respective duties relative to juvenile justice.	
40	Sec. 15. 2011 Iowa Acts, chapter 127, section 72,	
41	is amended to read as follows:	
42	SEC. 72. DEPARTMENT OF INSPECTIONS AND	
43	APPEALS. There is appropriated from the general fund	
44	of the state to the department of inspections and	
45	appeals for the fiscal year beginning July 1, 2012, and	
46	ending June 30, 2013, the following amounts, or so much	
47	thereof as is necessary, for the purposes designated:	
48	1. ADMINISTRATION DIVISION	
49	For salaries, support, maintenance, and	
50	miscellaneous purposes, and for not more than the	

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1	following full-time equivalent positions:	
2 \$	763,870
3		<u>248,409</u>
4 FTEs	37.40
5		<u>14.25</u>
6	2. ADMINISTRATIVE HEARINGS DIVISION	
7	For salaries, support, maintenance, and	
8	miscellaneous purposes, and for not more than the	
9	following full-time equivalent positions:	
10	..... \$	264,377
11		<u>528,753</u>
12	..... FTEs	23.00
13	3. INVESTIGATIONS DIVISION	
14	a. For salaries, support, maintenance, and	
15	miscellaneous purposes, and for not more than the	
16	following full-time equivalent positions:	
17	..... \$	584,920
18		<u>1,168,639</u>
19	..... FTEs	58.50
20	b. The department, in coordination with the	
21	investigations division, shall provide a report to	
22	the general assembly by January 10, 2013, concerning	
23	the fiscal impact of additional full-time equivalent	
24	positions on the department's efforts relative to the	
25	Medicaid divestiture program under chapter 249F.	

26 4. HEALTH FACILITIES DIVISION

27 a. For salaries, support, maintenance, and
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:

30	\$	<u>1,777,664</u>
31		<u>3,917,666</u>
32	FTEs	<u>121.75</u>
33		<u>121.75</u>

34 b. The department shall, in coordination with
35 the health facilities division, make the following
36 information available to the public ~~in a timely manner,~~
37 ~~to include providing the information on~~ as part of
38 the department's development efforts to revise the
39 department's internet website, during the fiscal year
40 beginning July 1, 2012, and ending June 30, 2013:

- 41 (1) The number of inspections conducted by the
42 division annually by type of service provider and type
43 of inspection.
- 44 (2) The total annual operations budget for the
45 division, including general fund appropriations and
46 federal contract dollars received by type of service
47 provider inspected.
- 48 (3) The total number of full-time equivalent
49 positions in the division, to include the number of
50 full-time equivalent positions serving in a supervisory

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- 1 capacity, and serving as surveyors, inspectors, or
2 monitors in the field by type of service provider
3 inspected.
- 4 (4) Identification of state and federal survey
5 trends, cited regulations, the scope and severity of
6 deficiencies identified, and federal and state fines
7 assessed and collected concerning nursing and assisted
8 living facilities and programs.
- 9 c. It is the intent of the general assembly that
10 the department and division continuously solicit input
11 from facilities regulated by the division to assess and
12 improve the division's level of collaboration and to
13 identify new opportunities for cooperation.

14 5. EMPLOYMENT APPEAL BOARD

15 a. For salaries, support, maintenance, and
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18	\$	<u>21,108</u>
19		<u>42,215</u>
20	FTEs	14.00

21 b. The employment appeal board shall be reimbursed
22 by the labor services division of the department
23 of workforce development for all costs associated
24 with hearings conducted under chapter 91C, related
25 to contractor registration. The board may expend,

26 in addition to the amount appropriated under this
27 subsection, additional amounts as are directly billable
28 to the labor services division under this subsection
29 and to retain the additional full-time equivalent
30 positions as needed to conduct hearings required
31 pursuant to chapter 91C.

32 6. CHILD ADVOCACY BOARD

33 a. For foster care review and the court appointed
34 special advocate program, including salaries, support,
35 maintenance, and miscellaneous purposes, and for not
36 more than the following full-time equivalent positions:

37	\$	<u>1,340,145</u>
38		<u>2,680,290</u>
39	FTEs	<u>40.80</u>
40		<u>32.35</u>

41 b. The department of human services, in
42 coordination with the child advocacy board and the
43 department of inspections and appeals, shall submit an
44 application for funding available pursuant to Tit. IV-E
45 of the federal Social Security Act for claims for child
46 advocacy board administrative review costs.

47 c. The court appointed special advocate program
48 shall investigate and develop opportunities for
49 expanding fund-raising for the program.

50 d. Administrative costs charged by the department

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1 of inspections and appeals for items funded under this
2 subsection shall not exceed 4 percent of the amount
3 appropriated in this subsection.

4 Sec. 16. 2011 Iowa Acts, chapter 127, section 72,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 7. FOOD AND CONSUMER SAFETY

7 For salaries, support, maintenance, and
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions:

10	\$	1,279,331
11	FTEs	21.00

12 Sec. 17. 2011 Iowa Acts, chapter 127, section 73,
13 is amended to read as follows:

14 SEC. 73. DEPARTMENT OF INSPECTIONS AND APPEALS —
15 MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal

16 year beginning July 1, 2012, and ending June 30, 2013,
17 the department of inspections and appeals shall retain
18 any license fees generated during the fiscal year as
19 a result of actions under section 137F.3A occurring
20 during the period beginning July 1, 2009, and ending
21 June 30, ~~2011~~ 2013, for the purpose of enforcing the
22 provisions of chapters 137C, 137D, and 137F.

23 Sec. 18. DEPARTMENT OF INSPECTIONS AND
24 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
25 APPROPRIATION. There is appropriated from the Medicaid

26 fraud fund created in section 249A.7 to the health
 27 facilities division of the department of inspections
 28 and appeals for the fiscal year beginning July 1, 2012,
 29 and ending June 30, 2013, the following amount, or
 30 so much thereof as is necessary, to be used for the
 31 purposes designated:
 32 For salaries, support, maintenance, and
 33 miscellaneous purposes:
 34 \$ 286,661
 35 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS
 36 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
 37 APPROPRIATION. There is appropriated from the Medicaid
 38 fraud fund created in section 249A.7 to the department
 39 of inspections and appeals for the fiscal year
 40 beginning July 1, 2012, and ending June 30, 2013, the
 41 following amounts, or so much thereof as is necessary,
 42 to be used for the purposes designated:
 43 1. To cover the cost of any state match to draw
 44 down matching federal funds through the department of
 45 human services for additional full-time equivalent
 46 positions for conducting investigations of alleged
 47 fraud and overpayments of food assistance benefits
 48 through electronic benefits transfer:
 49 \$ 119,070
 50 2. For the state financial match requirement

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1 for meeting the federal mandates connected with the
 2 department's Medicaid fraud and abuse activities:
 3 \$ 885,262
 4 3. To cover costs incurred by the department or
 5 other agencies in providing regulation, responding to
 6 allegations, or other activity involving chapter 1350:
 7 \$ 119,480
 8 Sec. 20. DEPARTMENT OF INSPECTIONS AND APPEALS
 9 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND
 10 APPROPRIATION. There is appropriated from the Medicaid
 11 fraud fund created in section 249A.7 to the department
 12 of inspections and appeals for the fiscal year
 13 beginning July 1, 2012, and ending June 30, 2013, the
 14 following amount, or so much thereof as is necessary,
 15 to be used for the purposes designated:
 16 For salaries, support, maintenance, miscellaneous
 17 purposes, administration, and other costs associated
 18 with implementation of 2010 Iowa Acts, chapter 1177:
 19 \$ 250,000
 20 Sec. 21. 2011 Iowa Acts, chapter 127, section 78,
 21 is amended to read as follows:
 22 SEC. 78. RACING AND GAMING COMMISSION.
 23 1. RACETRACK REGULATION
 24 There is appropriated from the gaming regulatory
 25 revolving fund established in section 99F.20 to the

26 racing and gaming commission of the department of
 27 inspections and appeals for the fiscal year beginning
 28 July 1, 2012, and ending June 30, 2013, the following
 29 amount, or so much thereof as is necessary, to be used
 30 for the purposes designated:

31 For salaries, support, maintenance, and		
32 miscellaneous purposes for the regulation of		
33 pari-mutuel racetracks, and for not more than the		
34 following full-time equivalent positions:		
35	\$	<u>1,255,720</u>
36		<u>2,898,925</u>
37	FTEs	<u>28.53</u>
38		<u>32.03</u>

39 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

40 There is appropriated from the gaming regulatory
 41 revolving fund established in section 99F.20 to the
 42 racing and gaming commission of the department of
 43 inspections and appeals for the fiscal year beginning
 44 July 1, 2012, and ending June 30, 2013, the following
 45 amount, or so much thereof as is necessary, to be used
 46 for the purposes designated:

47 For salaries, support, maintenance, and
 48 miscellaneous purposes for administration and
 49 enforcement of the excursion boat gambling and gambling
 50 structure laws, and for not more than the following

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1 full-time equivalent positions:		
2	\$	<u>1,539,050</u>
3		<u>2,923,838</u>
4	FTEs	<u>44.22</u>
5		<u>40.72</u>

6 Sec. 22. 2011 Iowa Acts, chapter 127, section 79,
 7 is amended to read as follows:

8 SEC. 79. ROAD USE TAX FUND APPROPRIATION —
 9 DEPARTMENT OF INSPECTIONS AND APPEALS. There is

10 appropriated from the road use tax fund created in
 11 section 312.1 to the administrative hearings division
 12 of the department of inspections and appeals for the
 13 fiscal year beginning July 1, 2012, and ending June 30,
 14 2013, the following amount, or so much thereof as is
 15 necessary, for the purposes designated:

16 For salaries, support, maintenance, and		
17 miscellaneous purposes:		
18	\$	<u>811,949</u>
19		<u>1,623,897</u>

20 Sec. 23. 2011 Iowa Acts, chapter 127, section 80,
 21 is amended to read as follows:

22 SEC. 80. DEPARTMENT OF MANAGEMENT.

23 1. There is appropriated from the general fund
 24 of the state to the department of management for the
 25 fiscal year beginning July 1, 2012, and ending June 30,

26 2013, the following amounts, or so much thereof as is
27 necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, and
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:

31	\$	<u>1,196,999</u>
32		<u>2,323,370</u>
33	FTEs	<u>25.00</u>
34		<u>20.00</u>

35 2. Of the moneys appropriated in this section, the
36 department shall use a portion for enterprise resource
37 planning, providing for a salary model administrator,
38 conducting performance audits, and for the department's
39 LEAN process.

40 Sec. 24. 2011 Iowa Acts, chapter 127, section 81,
41 is amended to read as follows:

42 SEC. 81. ROAD USE TAX APPROPRIATION — DEPARTMENT
43 OF MANAGEMENT. There is appropriated from the road use
44 tax fund created in section 312.1 to the department
45 of management for the fiscal year beginning July 1,
46 2012, and ending June 30, 2013, the following amount,
47 or so much thereof as is necessary, to be used for the
48 purposes designated:

49 For salaries, support, maintenance, and
50 miscellaneous purposes:

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1	\$	<u>28,000</u>
2		<u>56,000</u>

3 Sec. 25. 2011 Iowa Acts, chapter 127, section 82,
4 is amended to read as follows:

5 SEC. 82. DEPARTMENT OF REVENUE.

6 1. There is appropriated from the general fund
7 of the state to the department of revenue for the
8 fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amounts, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 For salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:

14	\$	<u>8,829,742</u>
15		<u>17,138,488</u>
16	FTEs	<u>303.48</u>
17		<u>245.46</u>

18 2. Of the funds appropriated pursuant to this
19 section, \$400,000 shall be used to pay the direct
20 costs of compliance related to the collection and
21 distribution of local sales and services taxes imposed
22 pursuant to chapters 423B and 423E.

23 3. The director of revenue shall prepare and issue
24 a state appraisal manual and the revisions to the
25 state appraisal manual as provided in section 421.17,

26 subsection 17, without cost to a city or county.

27 Sec. 26. 2011 Iowa Acts, chapter 127, section 83,
28 is amended to read as follows:

29 SEC. 83. MOTOR VEHICLE FUEL TAX
30 APPROPRIATION. There is appropriated from the motor
31 fuel tax fund created by section 452A.77 to the
32 department of revenue for the fiscal year beginning
33 July 1, 2012, and ending June 30, 2013, the following
34 amount, or so much thereof as is necessary, to be used
35 for the purposes designated:

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for administration and enforcement of the
38 provisions of chapter 452A and the motor vehicle use
39 tax program:

40	\$	652,888
41		<u>1,305,775</u>

42 Sec. 27. 2011 Iowa Acts, chapter 127, section 84,
43 is amended to read as follows:

44 SEC. 84. SECRETARY OF STATE.

45 1. There is appropriated from the general fund of
46 the state to the office of the secretary of state for
47 the fiscal year beginning July 1, 2012, and ending June
48 30, 2013, the following amounts, or so much thereof as
49 is necessary, to be used for the purposes designated:

50 For salaries, support, maintenance, and

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1 miscellaneous purposes, and for not more than the		
2 following full-time equivalent positions:		
3	\$	1,447,793
4		<u>2,810,159</u>
5	FTEs	45.00
6		<u>34.00</u>

7 2. The state department or state agency which
8 provides data processing services to support voter
9 registration file maintenance and storage shall provide
10 those services without charge.

11 Sec. _____. 2011 Iowa Acts, chapter 127, section 85,
12 is amended to read as follows:

13 SEC. 85. SECRETARY OF STATE FILING FEES REFUND.

14 Notwithstanding the obligation to collect fees pursuant
15 to the provisions of section 489.117, subsection 1,
16 paragraphs "a" and "o", section 490.122, subsection
17 1, paragraphs "a" and "s", and section 504.113,
18 subsection 1, paragraphs "a", "c", "d", "j", "k", "l",
19 and "m", for the fiscal year beginning July 1, 2012,
20 the secretary of state may refund these fees to the
21 filer pursuant to rules established by the secretary of
22 state. The decision of the secretary of state not to
23 issue a refund under rules established by the secretary
24 of state is final and not subject to review pursuant
25 to chapter 17A.

26 Sec. 28. 2011 Iowa Acts, chapter 127, section 86,
 27 is amended to read as follows:
 28 SEC. 86. TREASURER.
 29 1. There is appropriated from the general fund of
 30 the state to the office of treasurer of state for the
 31 fiscal year beginning July 1, 2012, and ending June 30,
 32 2013, the following amount, or so much thereof as is
 33 necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, and	
35 miscellaneous purposes, and for not more than the	
36 following full-time equivalent positions:	
37	\$ <u>427,145</u>
38	<u>829,086</u>
39	FTEs 28.80

40 2. The office of treasurer of state shall supply
 41 clerical and secretarial support for the executive
 42 council.

43 Sec. 29. 2011 Iowa Acts, chapter 127, section 87,
 44 is amended to read as follows:

45 SEC. 87. ROAD USE TAX APPROPRIATION — OFFICE
 46 OF TREASURER OF STATE. There is appropriated from
 47 the road use tax fund created in section 312.1 to
 48 the office of treasurer of state for the fiscal year
 49 beginning July 1, 2012, and ending June 30, 2013, the
 50 following amount, or so much thereof as is necessary,

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1 to be used for the purposes designated:
 2 For enterprise resource management costs related to
 3 the distribution of road use tax funds:

4	\$ <u>46,574</u>
5	<u>93,148</u>

6 Sec. 30. 2011 Iowa Acts, chapter 127, section 88,
 7 is amended to read as follows:

8 SEC. 88. IPERS — GENERAL OFFICE. There is
 9 appropriated from the Iowa public employees' retirement
 10 system fund to the Iowa public employees' retirement
 11 system for the fiscal year beginning July 1, 2012, and
 12 ending June 30, 2013, the following amount, or so much
 13 thereof as is necessary, to be used for the purposes
 14 designated:

15 For salaries, support, maintenance, and other	
16 operational purposes to pay the costs of the Iowa	
17 public employees' retirement system, and for not more	
18 than the following full-time equivalent positions:	
19	\$ <u>8,843,484</u>
20	<u>17,686,968</u>
21	FTEs 90.13

22 Sec. 31. 2011 Iowa Acts, chapter 129, section 149,
 23 is amended to read as follows:

24 SEC. 149. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
 25 INSPECTIONS AND APPEALS. There is appropriated from

26 the Medicaid fraud account created in section 249A.7
 27 to the department of inspections and appeals for the
 28 fiscal year beginning July 1, 2012, and ending June 30,
 29 2013, the following amount, or so much thereof as is
 30 necessary, to be used for the purposes designated:

31 For the inspection and certification of assisted
 32 living programs and adult day care services, including
 33 program administration and costs associated with
 34 implementation:

35	\$ 669,764
36	<u>1,339,527</u>

37 Sec. ____ Section 249A.7, subsection 3, paragraph
 38 b, Code Supplement 2011, is amended to read as follows:

39 b. Notwithstanding section 8.33, moneys credited
 40 to the fund from any other account or fund shall not
 41 revert to the other account or fund. Moneys in the
 42 fund shall ~~only be used as provided in appropriations~~
 43 ~~from the fund and shall be used in accordance with~~
 44 ~~applicable laws, regulations, and the policies of~~
 45 ~~the office of inspector general of the United States~~
 46 ~~department of health and human services transferred to~~
 47 the health care trust fund created in section 453A.35A.

48 Sec. ____ Section 453A.35A, subsection 1, Code
 49 Supplement 2011, is amended to read as follows:

50 1. A health care trust fund is created in the

Page 16

1 office of the treasurer of state. The fund consists
 2 of the revenues generated from the tax on cigarettes
 3 pursuant to section 453A.6, subsection 1, and from
 4 the tax on tobacco products as specified in section
 5 453A.43, subsections 1, 2, 3, and 4, that are credited
 6 to the health care trust fund, annually, pursuant to
 7 section 453A.35. The fund shall also consist of moneys
 8 transferred from the Medicaid fraud fund created in
 9 section 249A.7. Moneys in the fund shall be separate
 10 from the general fund of the state and shall not be
 11 considered part of the general fund of the state.
 12 However, the fund shall be considered a special account
 13 for the purposes of section 8.53 relating to generally
 14 accepted accounting principles. Moneys in the fund
 15 shall be used only as specified in this section and
 16 shall be appropriated only for the uses specified.
 17 Moneys in the fund are not subject to section 8.33
 18 and shall not be transferred, used, obligated,
 19 appropriated, or otherwise encumbered, except as
 20 provided in this section. Notwithstanding section
 21 12C.7, subsection 2, interest or earnings on moneys
 22 deposited in the fund shall be credited to the fund.
 23 Sec. 34. EFFECTIVE UPON ENACTMENT. The following
 24 provision or provisions of this Act, being deemed of
 25 immediate importance, take effect upon enactment:

26 1. The section of this Act amending 2011 Iowa Acts,
 27 chapter 127, section 9, subsection 2, paragraph "c".
 28 Sec. ____ EFFECTIVE DATE. The following provision
 29 or provisions of this Act take effect July 1, 2013:
 30 1. The section of this Act amending section 249A.7.
 31 2. The section of this Act amending section
 32 453A.35A.
 33 Sec. 35. RETROACTIVE APPLICABILITY. The following
 34 provision or provisions of this Act apply retroactively
 35 to July 1, 2011:
 36 1. The section of this Act amending 2011 Iowa Acts,
 37 chapter 127, section 9, subsection 2, paragraph "c".>
 38 2. Title page, line 3, after <atters> by inserting
 39 <and including effective date and retroactive
 40 applicability provisions>
 41 3. By renumbering, redesignating, and correcting
 42 internal references as necessary.

S-5115

HOUSE AMENDMENT TO
SENATE FILE 2314

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Sec. ____ 2011 Iowa Acts, chapter 125, section 2,
 5 subsection 1, paragraphs a and c, are amended to read
 6 as follows:

7 a. Operations:		
8	\$	40,356,529
9		<u>40,076,529</u>
10	FTEs	296.00
11 c. Highways:		
12	\$	230,013,992
13		<u>230,113,992</u>
14	FTEs	2,247.00>

15 2. Page 2, line 31, by striking <550,000> and
 16 inserting <~~550,000~~ 350,000>
 17 3. Page 4, line 29, by striking <242,000> and
 18 inserting <80,667>
 19 4. Page 6, after line 8 by inserting:
 20 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
 21 provision of this Act, being deemed of immediate
 22 importance, takes effect upon enactment:
 23 1. The section of this Act amending 2011 Acts,
 24 chapter 125, section 2, subsection 1, paragraphs a and
 25 c.>
 26 5. By renumbering as necessary.

S-5116

1 Amend House File 2379, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. NEW SECTION. 901C.1 Expunging criminal
5 records by the judicial branch.

6 1. As used in this section, “expunged” means the
7 same as defined in section 907.1.

8 2. If a person is arrested and all counts and
9 related charges are later dismissed, or the person is
10 found not guilty on all counts and related charges
11 stemming from the arrest, or the person is not
12 subsequently charged with a crime after the arrest, the
13 court’s criminal record relating to the arrest, counts,
14 and charges shall be expunged.

15 3. The provisions of this section apply to cases
16 occurring prior to, on, or after the effective date of
17 this Act.>

18 2. Page 1, line 5, after <criminal> by inserting

19 <or civil>

20 3. Page 3, line 27, by striking <or related charge>
21 and inserting <, related charge, or arrest>

22 4. By renumbering as necessary.

PAT WARD
PAM JOCHUM

S-5117

1 Amend House File 2345, as passed by the House, as
2 follows:

3 1. Page 1, after line 6 by inserting:

4 <Sec. ____ Section 598.41, subsection 5, paragraph
5 a, Code 2011, is amended to read as follows:

6 a. (1) If joint legal custody is awarded to both
7 parents, the court may award joint physical care
8 to both joint custodial parents upon the request of
9 either parent during the proceedings on the initial
10 dissolution petition or during the proceedings on
11 a modification of the original custody order. A
12 rebuttable presumption exists that a request for
13 joint physical care by either parent is in the best
14 interest of the child. The burden of proof to rebut
15 the presumption rests on the party denying that joint
16 physical care is in the best interest of the child, and
17 such party shall demonstrate that joint physical care
18 is not in the best interest of the child by clear and
19 convincing evidence.

20 (2) Prior to ruling on the request for the award
21 of joint physical care, the court may require the
22 parents to submit, either individually or jointly,
23 a proposed joint physical care parenting plan. A
24 proposed joint physical care parenting plan shall
25 address how the parents will make decisions affecting
26 the child, how the parents will provide a home for the

27 child, how the child's time will be divided between
 28 the parents and how each parent will facilitate the
 29 child's time with the other parent, arrangements in
 30 addition to court-ordered child support for the child's
 31 expenses, how the parents will resolve major changes
 32 or disagreements affecting the child including changes
 33 that arise due to the child's age and developmental
 34 needs, and any other issues the court may require.

35 (3) If the court finds by clear and convincing
 36 evidence that joint physical care is not in the best
 37 interest of the child and denies the request for joint
 38 physical care, the determination shall be accompanied
 39 by specific findings of fact and conclusions of law
 40 that the awarding of joint physical care is not in
 41 the best interest of the child. In determining the
 42 best interest of the child relative to the denial of
 43 a request for joint physical care, the court shall
 44 consider that the best interest of the child includes
 45 the opportunity for the maximum continuous physical and
 46 emotional contact possible with both parents, unless
 47 direct physical or significant emotional harm to the
 48 child may result from such contact.>

49 2. By renumbering as necessary.

NANCY J. BOETTGER
 BRAD ZAUN
 JERRY BEHN
 KENT SORENSON
 BILL ANDERSON
 RICK BERTRAND
 JONI ERNST
 JAMES F. HAHN
 ROBERT BACON
 JAMES A. SEYMOUR
 DAVID JOHNSON
 SANDRA GREINER
 MARK CHELGREN
 RANDY FEENSTRA
 TIM L. KAPUCIAN
 PAUL MCKINLEY
 JACK WHITVER

S-5118

1 Amend the amendment, S-5057, to House File 2336, as
 2 passed by the House, as follows:

3 1. Page 4, after line 8 by inserting:

4 < .a. The department shall use 32 of the
 5 full-time equivalent positions authorized pursuant
 6 to subsection 1 to support full-time park ranger
 7 positions, including four new full-time park ranger
 8 positions.

9 b. Notwithstanding paragraph “a”, if the department
 10 determines that the amount of the appropriation made in
 11 subsection 1 is not sufficient to support 32 full-time
 12 park ranger positions, it shall support at least 30
 13 full-time park ranger positions.

14 c. The department shall not reduce the number of
 15 full-time park ranger positions to fewer than 30.>

16 2. Page 4, after line 34 by inserting:

17 <___. From the amount appropriated in subsection
 18 1, the department shall support at least 84 full-time
 19 conservation officer positions.>

20 3. Page 6, by striking lines 19 through 31.

21 4. Page 6, before line 32 by inserting:

22 <DIVISION __

23 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION

24 FUND — PURCHASE OF RADIOS

25 Sec. ___. 2011 Iowa Acts, chapter 128, section 19,
 26 subsection 1, is amended to read as follows:

27 1. Notwithstanding 2010 Iowa Acts, chapter 1191,
 28 section 7, the department of natural resources may use
 29 the unappropriated balance remaining in the state fish
 30 and game protection fund for the fiscal year beginning
 31 July 1, 2010, and ending June 30, 2011, to purchase
 32 mobile radios to meet federal and state requirements
 33 for homeland security and public safety. This section
 34 applies to those moneys in the fund that are not
 35 otherwise used, obligated, or encumbered for payment
 36 of health and life insurance premium payments for
 37 conservation peace officer retirements for that fiscal
 38 year. The department may use such moneys until June
 39 30, ~~2012~~ 2013.

40 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
 41 of this Act amending 2011 Iowa Acts, chapter 128,
 42 section 19, subsection 1, being deemed of immediate
 43 importance, takes effect upon enactment.>

44 5. Page 12, after line 17 by inserting:

45 <___. Title page, line 3, after <protection> by
 46 inserting <, and including effective date provisions>>

47 6. By renumbering as necessary.

DENNIS H. BLACK

S-5119

1 Amend House File 2369, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 144.26, subsection 3, Code
 5 Supplement 2011, is amended to read as follows:

6 3. a. The county in which a dead body is found
 7 is the county of death. If death occurs in a moving
 8 conveyance, the county in which the dead body is first

- 9 removed from the conveyance is the county of death.
- 10 b. If a decedent died outside of the county of
 11 the decedent's residence, the state registrar shall
 12 send a copy of the decedent's death certificate and
 13 any amendments to the county registrar of the county
 14 of the decedent's residence. The county registrar
 15 shall record a death certificate received pursuant to
 16 this paragraph in the same records in which the death
 17 certificate of a decedent who died within the county is
 18 recorded. The state registrar may provide the county
 19 registrars with electronic access to vital records in
 20 lieu of the requirements of this paragraph.>
- 21 2. Page 1, after line 12 by inserting:
 22 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 23 of this Act amending section 144.26, being deemed of
 24 immediate importance, takes effect upon enactment.>
- 25 3. Title page, line 1, after <to> by inserting
 26 <vital statistics, including>
- 27 4. Title page, line 1, after <permit> by inserting
 28 <and the transmission and recording of certain death
 29 certificates, and including effective date provisions>
- 30 5. By renumbering as necessary.

MARY JO WILHELM

S-5120

- 1 Amend House File 2228, as passed by the House, as
 2 follows:
- 3 1. Page 1, after line 32 by inserting:
 4 <Sec. ____ Section 321.323A, Code 2011, is amended
 5 by adding the following new subsection:
 6 **NEW SUBSECTION.** 3. a. A person convicted of a
 7 violation of this section commits a simple misdemeanor
 8 punishable as a scheduled violation under section
 9 805.8A, subsection 11.
- 10 b. A person convicted of a violation of this
 11 section which resulted in an accident causing bodily
 12 injury to or the death of another person may be subject
 13 to the following penalties in addition to the penalty
 14 provided for a scheduled violation in section 805.8A,
 15 subsection 11, or any other penalty provided by law:
 16 (1) For a violation causing bodily injury to
 17 another person, a fine of five hundred dollars.
 18 (2) For a violation causing death, a fine of one
 19 thousand dollars.
- 20 c. Upon receiving a record of a person's conviction
 21 for a violation under paragraph "a" which resulted in
 22 an accident causing damage to the property of another
 23 person or bodily injury to or death of another person,
 24 the department shall suspend the person's driver's
 25 license or operating privileges, upon thirty days'

26 notice and without preliminary hearing, as follows:
 27 (1) For a violation causing damage to the property
 28 of another person, but not resulting in bodily injury
 29 or death of to another person, the department shall
 30 suspend the violator's driver's license or operating
 31 privileges for ninety days.

32 (2) For a violation causing bodily injury to
 33 another person, the department shall suspend the
 34 violator's driver's license or operating privileges for
 35 one hundred eighty days.

36 (3) For a violation causing death, the department
 37 shall suspend the violator's driver's license or
 38 operating privileges for one year.

39 Sec. ____ Section 321.482A, unnumbered paragraph 1,
 40 Code 2011, is amended to read as follows:

41 Notwithstanding section 321.482, a person who is
 42 convicted of operating a motor vehicle in violation
 43 of section 321.178, subsection 2, paragraph "a",
 44 subparagraph (2), section 321.180B, subsection 6,
 45 section 321.194, subsection 1, paragraph "c", section
 46 321.256, section 321.257, section 321.275, subsection
 47 4, section 321.276, 321.297, 321.298, 321.299, 321.302,
 48 321.303, 321.304, 321.305, 321.306, 321.307, 321.308,
 49 section 321.309, subsection 2, or section 321.311,
 50 321.319, 321.320, 321.321, 321.322, 321.323, ~~321.323A,~~

Page 2

1 321.324, 321.324A, 321.327, 321.329, or 321.333 causing
 2 serious injury to or the death of another person may be
 3 subject to the following penalties in addition to the
 4 penalty provided for a scheduled violation in section
 5 805.8A or any other penalty provided by law:

6 Sec. ____ PUBLIC AWARENESS AND COMPLIANCE
 7 PROGRAMS. The department of transportation, in
 8 conjunction with the department of public safety, shall
 9 establish programs to foster public awareness of and
 10 compliance with the requirements of section 321.323A.>

11 2. Title page, line 2, after <to> by inserting
 12 <change lanes or>

13 3. Title page, line 3, by striking <situations.>
 14 and inserting <situations, and providing penalties.>

15 4. By renumbering as necessary.

MATT McCOY

S-5121

1 Amend House File 2092, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 6, after <consumption.> by
 4 inserting <Notwithstanding chapters 191, 192, and 194,

- 5 “farmers market” includes a marketplace which sells
 6 raw milk or raw milk products. The sale of such milk
 7 or milk products shall be regulated by the department
 8 of inspections and appeals in cooperation with the
 9 department of agriculture and land stewardship.>
 10 2. Page 1, line 9, by striking <food> and inserting
 11 <food, including but not limited to raw milk and
 12 products using raw milk.>
 13 3. By renumbering as necessary.

KENT SORENSON

S-5122

- 1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by striking lines 32 and 33 and
 4 inserting:
 5 <(2) The rate-regulated>

ROBERT M. HOGG

S-5123

- 1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, after line 26 by inserting:
 4 <(f) Limit cost recovery commenced prior to
 5 completion of construction of the nuclear generating
 6 facility and commencement of operation, notwithstanding
 7 any provision of this subparagraph (2) to the contrary,
 8 to an amount not to exceed fifty million dollars from
 9 all customers in the aggregate.>

ROBERT M. HOGG

S-5124

- 1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, after line 26 by inserting:
 4 <(f) Preclude cost recovery from being commenced
 5 prior to completion of construction of the nuclear
 6 generating facility and commencement of operation,
 7 notwithstanding any provision of this subparagraph (2)
 8 to the contrary, with regard to rates applicable to
 9 utility customers who are eligible for the low-income
 10 home energy assistance program.>

ROBERT M. HOGG

S-5125

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by striking lines 20 through 22 and
4 inserting <basis providing such information. Each
5 annual proceeding shall>

ROBERT M. HOGG

S-5126

1 Amend the amendment, S-5090, to House File 561,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 2 through 6 and
5 inserting:
6 <__. Page 8, by striking lines 8 through 16 and
7 inserting:
8 <(d) In the event the utility elects not to
9 complete or is precluded from completing construction
10 of the nuclear generation facility, cost collection
11 pursuant to this subparagraph (2) shall cease and the
12 utility shall fully refund to customers all amounts
13 included in rates as of the date construction is
14 terminated or precluded attributable to permitting,
15 licensing, and construction of the facility. >>
16 2. By renumbering as necessary.

ROBERT M. HOGG

S-5127

1 Amend House File 2390, as passed by the House, as
2 follows:
3 1. Page 4, after line 20 by inserting:
4 <Sec. ____. Section 903B.1, Code 2011, is amended to
5 read as follows:
6 903B.1 Special sentence — class “B” or class “C”
7 felonies.
8 1. A Except as provided in subsection 2, a person
9 convicted of a class “C” felony or greater offense
10 under chapter 709, or a class “C” felony under section
11 728.12, shall also be sentenced, in addition to any
12 other punishment provided by law, to a special sentence
13 committing the person into the custody of the director
14 of the Iowa department of corrections for the rest
15 of the person’s life, with eligibility for parole as
16 provided in chapter 906. The board of parole shall
17 determine whether the person should be released on
18 parole or placed in a work release program. The
19 special sentence imposed under this section shall

20 commence upon completion of the sentence imposed under
 21 any applicable criminal sentencing provisions for the
 22 underlying criminal offense and the person shall begin
 23 the sentence under supervision as if on parole or work
 24 release. The person shall be placed on the corrections
 25 continuum in chapter 901B, and the terms and conditions
 26 of the special sentence, including violations, shall
 27 be subject to the same set of procedures set out in
 28 chapters 901B, 905, 906, and chapter 908, and rules
 29 adopted under those chapters for persons on parole
 30 or work release. The revocation of release shall
 31 not be for a period greater than two years upon any
 32 first revocation, and five years upon any second or
 33 subsequent revocation. A special sentence shall be
 34 considered a category "A" sentence for purposes of
 35 calculating earned time under section 903A.2.

36 2. A person who commits a violation of section
 37 709.4, subsection 2, paragraph "c", subparagraph
 38 (4), shall not be subject to the special sentence in
 39 subsection 1, if either of the following apply:

40 a. The other person is fourteen years of age and
 41 the person is four, five, or six years older than the
 42 other person.

43 b. The other person is fifteen years of age and
 44 the person is four or five years older than the other
 45 person.>

46 2. Page 4, after line 26 by inserting:

47 <Sec. _____. APPLICABILITY. The amendment to
 48 section 903B.1 in this Act applies to any judgment of
 49 conviction for a violation of section 709.4, subsection
 50 2, paragraph "c", subparagraph (4), entered prior to,

Page 2

1 on, or after the effective date of this Act, as that
 2 conviction relates to the imposition of a special
 3 sentence under section 903B.1.>

4 3. Title page, line 2, after <activity,> by
 5 inserting <special sentences,>

6 4. Title page, line 3, after <applicable> by
 7 inserting <and including applicability provisions>

8 5. By renumbering as necessary.

NANCY J. BOETTGER

S-5128

1 Amend House File 2329, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by striking line 29 and inserting:

4 <Od. Forty special hunting licenses shall be
 5 available for>

- 6 2. Page 4, after line 6 by inserting:
7 <Of. If nonresident deer hunting licenses or wild
8 turkey hunting licenses remain available for issuance
9 to disabled veterans and disabled members of the armed
10 forces serving on active federal service pursuant
11 to this subsection as of a date specified by the
12 department by rules adopted under chapter 17A, the
13 licenses shall be allocated in the manner provided
14 in subsection 3, paragraph "a", and subsection 4,
15 paragraph "a".>
16 3. By renumbering as necessary.

DICK L. DEARDEN

S-5129

- 1 Amend Senate File 2322 as follows:
2 1. Page 1, after line 34 by inserting:
3 <Sec. ____ NEW SECTION. 422.12L Joint income tax
4 checkoff for veterans trust fund and volunteer fire
5 fighter preparedness fund.
6 1. A person who files an individual or a joint
7 income tax return with the department of revenue under
8 section 422.13 may designate one dollar or more to
9 be paid jointly to the veterans trust fund created
10 in section 35A.13 and to the volunteer fire fighter
11 preparedness fund created in section 100B.13. If the
12 refund due on the return or the payment remitted with
13 the return is insufficient to pay the additional amount
14 designated by the taxpayer, the amount designated
15 shall be reduced to the remaining amount of refund or
16 the remaining amount remitted with the return. The
17 designation of a contribution under this section is
18 irrevocable.
19 2. The director of revenue shall draft the income
20 tax form to allow the designation of contributions
21 to the veterans trust fund and to the volunteer fire
22 fighter preparedness fund as one checkoff on the
23 tax return. The department of revenue, on or before
24 January 31, shall transfer one-half of the total
25 amount designated on the tax return forms due in the
26 preceding calendar year to the veterans trust fund and
27 the remaining one-half to the volunteer fire fighter
28 preparedness fund. However, before a checkoff pursuant
29 to this section shall be permitted, all liabilities on
30 the books of the department of administrative services
31 and accounts identified as owing under section 8A.504
32 and the political contribution allowed under section
33 68A.601 shall be satisfied.
34 3. The department of revenue shall adopt rules
35 to administer this section, and shall incorporate the
36 rules into the income tax form instructions for each

37 applicable tax year. The instructions for this joint
 38 income tax checkoff shall also include notice of the
 39 volunteer fire fighter and volunteer emergency medical
 40 services personnel credit allowed under section 422.12.

41 4. This section is subject to repeal under section
 42 422.12E.

43 Sec. ____ RETROACTIVE APPLICABILITY. The following
 44 provision or provisions of this Act apply retroactively
 45 to January 1, 2012, for tax years beginning on or after
 46 that date:

47 1. The section of this Act enacting section
 48 422.12L.>

49 2. Page 1, line 35, by striking <This Act takes>
 50 and inserting <The sections of this Act amending

Page 2

1 section 422.12 take>

2 3. Page 2, line 2, by striking <This Act applies>
 3 and inserting <The sections of this Act amending
 4 section 422.12 apply>

5 4. Title page, by striking lines 2 through 3 and
 6 inserting <services personnel with an individual income
 7 tax credit and a joint income tax checkoff for the
 8 veterans trust fund and the volunteer fire fighter
 9 preparedness fund, and including effective date and
 10 retroactive and other applicability provisions.>

11 5. By renumbering as necessary.

RANDY FEENSTRA

S-5130

1 Amend House File 2329, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by striking line 29 and inserting:
 4 <0d. Forty special hunting licenses shall be
 5 available for>

6 2. Page 4, after line 6 by inserting:
 7 <0f. If nonresident deer hunting licenses or wild
 8 turkey hunting licenses remain available for issuance
 9 to disabled veterans and disabled members of the armed
 10 forces serving on active federal service pursuant
 11 to this subsection thirty days prior to the date as
 12 provided by rule that requests must be submitted to the
 13 department for a nonresident deer hunting license or
 14 nonresident wild turkey hunting license allocated under
 15 subsection 3, paragraph "a", or subsection 4, paragraph
 16 "a", the licenses that remain shall be allocated in the
 17 manner provided in subsection 3, paragraph "a", and
 18 subsection 4, paragraph "a".>

19 3. By renumbering as necessary.

DICK L. DEARDEN

S-5131

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 22, by striking <subsection> and
4 inserting <subsections>
5 2. Page 12, after line 1 by inserting:
6 <NEW SUBSECTION. 5. In the case of an application
7 to construct a nuclear generation facility, that
8 a sufficient domestic supply of uranium exists for
9 utilization by the facility and other existing and
10 projected nuclear generating facilities throughout
11 the United States, and that such a supply of uranium
12 can be mined, enriched, fabricated into fuel, and
13 transported to this state without any adverse health
14 or environmental impact.>

ROBERT M. HOGG

S-5132

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by striking lines 24 and 25 and
4 inserting <construct a nuclear generation facility, the
5 applicant has submitted and the board has approved a
6 plan addressing United States nuclear regulatory>
7 2. Page 12, line 1, after <agency.> by inserting
8 <The plans shall additionally ensure against any
9 accidental radioactive release, theft of nuclear
10 materials, or terrorist attack against the facility.>

ROBERT M. HOGG

S-5133

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, after line 20 by inserting:
4 <Sec. ____ NEW SECTION. 476A.3A Nuclear generating
5 facility applications — restriction.
6 In the case of an application to construct a
7 nuclear generation facility, notwithstanding any other
8 provision to the contrary, an application may not be
9 submitted until the board has completed a fuel cycle
10 analysis of nuclear power to determine the amount of
11 fossil fuel use and greenhouse gas emissions during the
12 mining, milling, separation, enrichment, fabrication,
13 and disposal of nuclear fuel, using both high-grade
14 and low-grade uranium, and during the construction,
15 operation, decommissioning, and dismantling of nuclear
16 generation facilities, and adopts a rule requiring the

17 offset of any greenhouse gas emissions from the nuclear
 18 fuel cycle.>
 19 2. By renumbering as necessary.

ROBERT M. HOGG

S-5134

1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, line 22, by striking <subsection> and
 4 inserting <subsections>
 5 2. Page 12, after line 1 by inserting:
 6 <NEW SUBSECTION. 5. With respect to an application
 7 for the construction of a nuclear generating facility,
 8 that it has been determined pursuant to the contested
 9 case proceeding that the federal government has
 10 established and is accepting nuclear waste at a nuclear
 11 waste storage facility that has sufficient capacity to
 12 store all waste from the facility anticipated to be
 13 generated over the lifetime of the facility, along with
 14 waste from all other nuclear generating facilities that
 15 have been, or are anticipated to be, in operation in
 16 the United States during the lifetime of the facility.>
 17 3. By renumbering as necessary.

ROBERT M. HOGG

S-5135

1 Amend House File 2292, as passed by the House, as
 2 follows:
 3 1. Page 1, after line 13 by inserting:
 4 <Sec. ____ FEDERAL LAW. A person who confines fish
 5 as provided in this Act shall comply with applicable
 6 national pollutant discharge elimination system permit
 7 requirements as provided in the federal Water Pollution
 8 Control Act, 33 U.S.C. ch. 26, as amended, and 40
 9 C.F.R. pts. 122 and 412.>
 10 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5136

1 Amend House File 2329, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 1, through page 2, line
 4 21, and inserting:
 5 <Section 1. Section 483A.24, subsections 3 and
 6 4, Code Supplement 2011, are amended by striking
 7 the subsections and inserting in lieu thereof the

- 8 following:
- 9 3. The department shall make available for issuance
10 seventy-five nonresident deer hunting licenses and
11 seventy-five nonresident wild turkey hunting licenses>
12 2. By renumbering as necessary.

KENT SORENSON

S-5137

- 1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 11, line 22, by striking <subsection> and
4 inserting <subsections>
- 5 2. Page 12, after line 1 by inserting:
- 6 <NEW SUBSECTION>. 5. a. In the case of an
7 application to construct a nuclear generating facility,
8 the county electorate in the county within which
9 the facility is proposed to be located has approved
10 construction of the facility as provided in this
11 subsection. The board of supervisors, upon receipt of
12 a valid petition meeting the requirements of section
13 331.306, shall direct the commissioner of elections
14 to submit to the registered voters of the county a
15 proposition to approve or disapprove the construction
16 of a nuclear generating facility in the county. The
17 proposition shall be submitted at an election held on a
18 date specified in section 39.2, subsection 4, paragraph
19 "a". To be submitted at a general election, the
20 petition must be received by the board of supervisors
21 at least five working days before the last day for
22 candidates for county offices to file nomination
23 papers for the general election pursuant to section
24 44.4. If a majority of the county voters voting on
25 the proposition favor construction of such a facility,
26 and all other applicable requirements are met, a
27 certificate shall be issued. If a majority of the
28 county voters voting on the proposition do not favor
29 construction, a certificate shall not be issued.
- 30 b. After a referendum has been held which defeated
31 a proposal to construct a nuclear generating facility
32 as provided in this subsection, another referendum on a
33 proposal to construct such a facility shall not be held
34 for at least eight years.>
- 35 3. By renumbering as necessary.

PAM JOCHUM

S-5138

- 1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, after line 1 by inserting:
 4 <Sec. ____ NEW SECTION. 476A.7A Siting
 5 restrictions.
 6 Notwithstanding any other provision of this chapter
 7 to the contrary, in the case of an application to
 8 construct a nuclear generating facility, a certificate
 9 shall not be issued in the event a proposed facility
 10 is to be located within fifty miles of a city with a
 11 population of ten thousand or greater.>
 12 2. By renumbering as necessary.

PAM JOCHUM

S-5139

- 1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, after line 1 by inserting:
 4 <Sec. ____ NEW SECTION. 476A.7A Siting
 5 restrictions.
 6 Notwithstanding any other provision of this chapter
 7 to the contrary, in the case of an application to
 8 construct a nuclear generating facility, a certificate
 9 shall not be issued in the event a proposed facility is
 10 to be located within fifty miles from a dairy farm.>
 11 2. By renumbering as necessary.

PAM JOCHUM

S-5140

- 1 Amend House File 2323, as passed by the House, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 384.84, subsection 3, paragraph
 5 c, Code Supplement 2011, is amended to read as follows:
 6 c. A city utility or enterprise service to a
 7 property or premises shall not be discontinued unless
 8 prior written notice is sent, by ordinary mail, to the
 9 account holder in whose name the delinquent rates or
 10 charges were incurred, informing the account holder
 11 of the nature of the delinquency and affording the
 12 account holder the opportunity for a hearing prior to
 13 discontinuance of service. If the account holder is a
 14 tenant, and if the owner or landlord of the property
 15 or premises has made a written request for notice, the
 16 notice shall also be given to the owner or landlord.
 17 If the account holder is a tenant and requests a change

18 of name for service under the account, such request
 19 shall be sent to the owner or landlord of the property
 20 if the owner or landlord has made a written request
 21 for notice of any change of name for service under the
 22 account to the rental property.>

23 2. Page 1, by striking lines 14 through 19 and
 24 inserting <notice shall contain the name of the tenant
 25 responsible for charges, address of the residential
 26 rental property that the tenant is to occupy, and the
 27 date that the occupancy begins. A change in tenant
 28 shall require a new written notice to be given to the
 29 city utility or enterprise within thirty business days
 30 of the change in tenant. When the tenant moves from
 31 the>

32 3. Page 1, line 24, by striking <ten> and inserting
 33 <~~ten~~ thirty>

34 4. Page 2, line 9, after <contain> by inserting
 35 <the name of the tenant responsible for the charges,>

36 5. Page 2, line 10, by striking <occupy> and
 37 inserting <occupy,>

38 6. Page 2, line 11, after <begins.> by inserting
 39 <A change in tenant shall require a new written notice
 40 to be given to the city utility or enterprise within
 41 thirty business days of the change in tenant.>

42 7. Page 2, line 18, by striking <ten> and inserting
 43 <thirty>

44 8. By renumbering as necessary.

MARY JO WILHELM

S-5141

1 Amend House File 2427, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking line 29 and inserting <be
 4 subject to a civil penalty in the amount of two hundred
 5 fifty dollars. A person who>

6 2. Page 2, line 5, by striking <twenty-five> and
 7 inserting <fifty>

8 3. Page 2, by striking line 8 and inserting <shall
 9 be subject to a civil penalty in the amount of two
 10 hundred fifty dollars.>

11 4. Page 2, line 10, by striking <twenty-five> and
 12 inserting <fifty>

13 5. Page 2, line 13, by striking <twenty-five> and
 14 inserting <fifty>

WILLIAM A. DOTZLER, JR.

S-5142HOUSE AMENDMENT TO
SENATE FILE 413

- 1 Amend Senate File 413, as amended by the Senate, as
2 follows:
- 3 1. Page 1, line 1, after <Code> by inserting
4 <Supplement>
 - 5 2. Page 1, line 14, after <Code> by inserting
6 <Supplement>
 - 7 3. Page 1, by striking lines 16 through 19 and
8 inserting:
9 <2. For the purposes consistent with this chapter,
10 the local emergency management agency's approved budget
11 ~~may shall~~ be funded by one or any combination of the
12 following options, as determined by the commission:>
 - 13 4. Page 1, after line 27 by inserting:
14 <e. Other funding sources allowed by law.>
 - 15 5. Page 2, line 8, by striking <may> and inserting
16 <shall>
 - 17 6. Page 2, line 10, after <Code> by inserting
18 <Supplement>

S-5143HOUSE AMENDMENT TO
SENATE FILE 2208

- 1 Amend Senate File 2208, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 4, by striking <All> and inserting
4 <~~All~~ Unless otherwise ordered by the court, all>
 - 5 2. Page 1, line 14, after <duties> by inserting
6 <unless otherwise ordered by the court>
 - 7 3. Page 1, line 16, after <disseminated> by
8 inserting <, without court order,>

S-5144HOUSE AMENDMENT TO
SENATE FILE 2216

- 1 Amend Senate File 2216, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by striking lines 6 through 12 and
4 inserting <for vehicles registered by the county
5 treasurer ~~and, except that "registration year" means~~
6 the calendar year for ~~vehicles registered by the~~
7 ~~department or~~ motor trucks and truck tractors with
8 a combined gross weight exceeding five tons which

9 are registered by the county treasurer. For leased
 10 vehicles registered by the county treasurer, except for
 11 motor trucks and truck tractors with a combined gross
 12 weight exceeding five tons, "registration year">

13 2. Page 3, by striking lines 21 and 22 and
 14 inserting:

15 <Sec. ____ Section 321.39, subsection 1, Code 2011,
 16 is amended by striking the subsection.>

17 3. By striking page 4, line 22, through page 5,
 18 line 11, and inserting:

19 <Sec. ____ Section 321.106, Code 2011, is amended
 20 to read as follows:

21 321.106 Registration for fractional part of year.

22 1. When a ~~vehicle is registered under chapter 326~~
 23 ~~or a~~ motor truck, truck tractor, or road tractor is
 24 registered by the county treasurer for a combined gross
 25 weight exceeding five tons and there is no delinquency
 26 and the registration is made in February or succeeding
 27 months through November, the annual registration fee
 28 shall be prorated for the remaining unexpired months
 29 of the registration year. A fee shall not be required
 30 for the month of December for a vehicle registered on a
 31 calendar year basis on which there is no delinquency.
 32 However, ~~except for a vehicle registered under chapter~~
 33 ~~326~~, when such a vehicle is registered in November, the
 34 vehicle may be registered for the remaining unexpired
 35 months of the registration year or for the remaining
 36 unexpired months of the registration year and for the
 37 next registration year, upon payment of the applicable
 38 registration fees.

39 2. When a vehicle is registered under chapter
 40 326 and there is no delinquency and the registration
 41 is made in the second through eleventh month of the
 42 registration year, the annual registration fee shall
 43 be prorated for the remaining unexpired months of the
 44 registration year. However, when such a vehicle is
 45 registered in the eleventh month of the registration
 46 year, the vehicle may be registered for the remaining
 47 unexpired months of the registration year and for the
 48 next registration year, upon payment of the applicable
 49 registration fees.

50 ~~2.~~ 3. When a vehicle is registered on a birth

Page 2

1 month basis and there is no delinquency and the
 2 registration is made in the month after the beginning
 3 of the registration year or succeeding months, the
 4 annual registration fee shall be prorated for the
 5 remaining unexpired months of the registration year.
 6 A fee shall not be required for the month of the
 7 owner's birthday for a vehicle on which there is no

8 delinquency. However, when a vehicle registered on a
 9 birth month basis is registered during the eleventh
 10 month of the registration year, the vehicle may be
 11 registered for the remaining unexpired months of the
 12 registration year or for the remaining unexpired months
 13 of the registration year and for the next registration
 14 year, upon payment of the applicable registration fees.

15 ~~3. 4.~~ If a fee computed under this section
 16 contains a fractional part of a dollar, the fee
 17 shall be computed to the nearest whole dollar. A fee
 18 computed under this section shall not be less than five
 19 dollars. The fee so computed shall be deemed to be
 20 the annual registration fee for the remainder of the
 21 registration year. This subsection does not apply to
 22 vehicles registered under chapter 326.

23 ~~4. 5.~~ A reduction in the annual registration
 24 fee shall not be allowed by the department until the
 25 applicant files satisfactory evidence to prove that
 26 there is no delinquency in registration.>

27 4. Page 6, by striking lines 19 through 21 and
 28 inserting:

29 <Sec. ____ Section 321.134, subsections 1 and 2,
 30 Code 2011, are amended to read as follows:>

31 5. By striking page 7, line 13, through page 8,
 32 line 17, and inserting:

33 <2. The annual registration fee for trucks,
 34 truck tractors, and road tractors registered by the
 35 county treasurer, as provided in sections 321.121
 36 and 321.122, may be payable in two equal semiannual
 37 installments if the annual registration fee exceeds
 38 the annual registration fee for a vehicle with a gross
 39 weight exceeding five tons. The penalties provided
 40 in subsection 1 shall be computed on the amount of
 41 the first installment only and on the first day of
 42 the seventh month of the registration period the same
 43 rate of penalty shall apply to the second installment,
 44 until the fee is paid. ~~Semiannual installments do~~
 45 ~~not apply to commercial vehicles, as defined under~~
 46 ~~section 326.2, subject to proportional registration,~~
 47 ~~with a base state other than the state of Iowa, as~~
 48 ~~defined in section 326.2, subsection 1. The penalty on~~
 49 ~~vehicles registered under chapter 326 accrues August 1~~
 50 ~~of each year except as provided in section 326.6. The~~

Page 3

1 department shall not allow the annual registration fee
 2 for a commercial vehicle registered under chapter 326
 3 to be paid in two equal semiannual installments for
 4 five years after the registrant has paid the annual
 5 registration fee late for two consecutive years.>

6 6. Page 8, by striking lines 18 and 19.

- 7 7. Page 8, by striking lines 22 through 32 and
 8 inserting:
 9 <2. During or after the seventh month of a current
 10 registration year, the owner of a motor truck, truck
 11 tractor, ~~or road tractor, semitrailer or trailer~~
 12 ~~may~~, if the owner's operation has not resulted in a
 13 conviction or action pending under this section, may
 14 increase the gross weight registration of the vehicle
 15 to a higher gross weight ~~classification~~ registration by
 16 payment of one-twelfth of the difference between the
 17 annual fee for the higher gross weight and the amount
 18 of the fee for the gross weight at which ~~the vehicle~~
 19 is registered, multiplied by the number of unexpired
 20 months of the registration year.>
 21 8. Page 25, by striking lines 16 through 23
 22 and inserting <section 321.134, subsection 2, to
 23 eliminate semiannual installment payments for certain
 24 registration fees, and the section of this Act amending
 25 section 321.106, relating to proration of certain
 26 registration fees, shall be implemented on and after>
 27 9. Title page, line 1, by striking <the
 28 registration of motor trucks, truck>
 29 10. Title page, by striking line 2.
 30 11. By renumbering as necessary.

S-5145

HOUSE AMENDMENT TO
 SENATE FILE 2321

1 Amend Senate File 2321, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:

5 <MIDWESTERN HIGHER EDUCATION COMPACT

6 Section 1. 2011 Iowa Acts, chapter 132, section 32,
 7 is amended to read as follows:

8 SEC. 32. There is appropriated from the general
 9 fund of the state to the department of education for
 10 the following fiscal years, the following amounts, or
 11 so much thereof as is necessary, to be used for the
 12 purposes designated:

13 To be distributed to the midwestern higher education	
14 compact to pay Iowa's member state annual obligation:	
15 FY 2010-2011	\$ 39,000
16 FY 2011-2012	\$ 100,000
17 FY 2012-2013	\$ 50,000
18	<u>100,000</u>

19 Notwithstanding section 8.33, moneys appropriated
 20 in this section, to the department of education
 21 for purposes of paying Iowa's member state annual

22 obligation under the midwestern higher education
 23 compact, that remain unencumbered or unobligated at the
 24 close of the fiscal year beginning July 1, 2010, and
 25 ending June 30, 2011, shall not revert but shall remain
 26 available for expenditure for the purpose designated
 27 until the close of the succeeding fiscal year.

28 DEPARTMENT FOR THE BLIND

29 Sec. 2. 2011 Iowa Acts, chapter 132, section 97, is
 30 amended to read as follows:

31 SEC. 97. ADMINISTRATION. There is appropriated
 32 from the general fund of the state to the department
 33 for the blind for the fiscal year beginning July 1,
 34 2012, and ending June 30, 2013, the following amount,
 35 or so much thereof as is necessary, to be used for the
 36 purposes designated:

37 1. For salaries, support, maintenance,		
38 miscellaneous purposes, and for not more than the		
39 following full-time equivalent positions:		
40	\$	<u>845,908</u>
41		<u>1,691,815</u>
42	FTEs	88.00
43 2. For costs associated with universal access to		
44 audio information over the phone on demand for blind		
45 and print handicapped Iowans:		
46	\$	<u>25,000</u>
47		<u>50,000</u>

48 COLLEGE STUDENT AID COMMISSION

49 Sec. 3. 2011 Iowa Acts, chapter 132, section 98, is
 50 amended to read as follows:

Page 2

1 SEC. 98. There is appropriated from the general
 2 fund of the state to the college student aid commission
 3 for the fiscal year beginning July 1, 2012, and ending
 4 June 30, 2013, the following amounts, or so much
 5 thereof as is necessary, to be used for the purposes
 6 designated:

7 1. GENERAL ADMINISTRATION

8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-time
 10 equivalent positions:

11	\$	<u>116,472</u>
12		<u>232,943</u>
13	FTEs	3.95

14 ~~2. STUDENT AID PROGRAMS~~

15 ~~For payments to students for the Iowa grant program~~
 16 ~~established in section 261.93:~~

17	\$	395,589
----------	----	--------------------

18 3. ~~DES MOINES UNIVERSITY — HEALTH CARE~~
 19 ~~PROFESSIONAL RECRUITMENT PROGRAM~~

20 ~~For forgivable loans to Iowa students attending Des~~

21	Moines university—osteopathic medical center under	
22	the forgivable loan repayment program for health care	
23	professionals established pursuant to section 261.19:	
24	..... \$	<u>162,987</u>
25		<u>325,973</u>
26	4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM	
27	For purposes of providing national guard educational	
28	assistance under the program established in section	
29	261.86:	
30	..... \$	<u>1,593,117</u>
31		<u>4,486,233</u>
32	5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM	
33	For the teacher shortage loan forgiveness program	
34	established in section 261.112:	
35	..... \$	<u>196,226</u>
36		<u>392,452</u>
37	6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM	
38	For purposes of the all Iowa opportunity foster care	
39	grant program established pursuant to section 261.6:	
40	..... \$	<u>277,920</u>
41		<u>554,057</u>
42	7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM	
43	a. For purposes of the all Iowa opportunity	
44	scholarship program established pursuant to section	
45	261.87:	
46	..... \$	<u>1,120,427</u>
47		<u>2,240,854</u>
48	b. If the moneys appropriated by the general	
49	assembly to the college student aid commission for	
50	fiscal year 2012–2013 for purposes of the all Iowa	

Page 3

1 opportunity scholarship program exceed \$500,000,
2 “eligible institution” as defined in section 261.87,
3 shall, during fiscal year 2012–2013, include accredited
4 private institutions as defined in section 261.9,
5 subsection 1.
6 ~~8. REGISTERED NURSE AND NURSE EDUCATOR LOAN~~
7 ~~FORGIVENESS PROGRAM~~
8 ~~a. For purposes of the registered nurse and nurse~~
9 ~~educator loan forgiveness program established pursuant~~
10 ~~to section 261.23:~~
11 ~~..... \$ 40,426~~
12 ~~b. It is the intent of the general assembly that~~
13 ~~the commission continue to consider moneys allocated~~
14 ~~pursuant to this subsection as moneys that meet the~~
15 ~~state matching funds requirements of the federal~~
16 ~~leveraging educational assistance program and the~~
17 ~~federal supplemental leveraging educational assistance~~
18 ~~program established under the Higher Education Act of~~
19 ~~1965, as amended.~~

20 ~~9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION~~
21 ~~GRANT PROGRAM~~

22 ~~For purposes of the barber and cosmetology arts and~~
23 ~~sciences tuition grant program established pursuant to~~
24 ~~section 261.18:~~

25 \$ 18,469

26 DEPARTMENT OF EDUCATION

27 Sec. 4. 2011 Iowa Acts, chapter 132, section 102,
28 is amended to read as follows:

29 SEC. 102. There is appropriated from the general
30 fund of the state to the department of education for
31 the fiscal year beginning July 1, 2012, and ending June
32 30, 2013, the following amounts, or so much thereof as
33 is necessary, to be used for the purposes designated:

34 1. GENERAL ADMINISTRATION

35 For salaries, support, maintenance, miscellaneous
36 purposes, and for not more than the following full-time
37 equivalent positions:

38 \$ 2,956,906

39 5,913.812

40 FTEs 81.67

41 2. VOCATIONAL EDUCATION ADMINISTRATION

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-time
44 equivalent positions:

45 \$ 224,638

46 598.197

47 FTEs 11.50

48 3. VOCATIONAL REHABILITATION SERVICES DIVISION

49 a. For salaries, support, maintenance,
50 miscellaneous purposes, and for not more than the

Page 4

1 following full-time equivalent positions:

2 \$ 2,481,584

3 4,963.168

4 FTEs 255.00

5 b. For matching funds for programs to enable
6 persons with severe physical or mental disabilities to
7 function more independently, including salaries and
8 support, and for not more than the following full-time
9 equivalent position:

10 \$ 19,564

11 39.128

12 FTEs 1.00

13 c. For the entrepreneurs with disabilities program
14 established pursuant to section 259.4, subsection 9:

15 \$ 72,768

16 145.535

17 d. For costs associated with centers for
18 independent living:

19	.....	\$	<u>20,147</u>
20			<u>40,294</u>
21	4. STATE LIBRARY		
22	a. For salaries, support, maintenance,		
23	miscellaneous purposes, and for not more than the		
24	following full-time equivalent positions:		
25	.....	\$	<u>604,810</u>
26			<u>1,209,619</u>
27	.....	FTEs	17.00
28	b. For the enrich Iowa program established under		
29	section 256.57:		
30	.....	\$	<u>837,114</u>
31			<u>1,674,227</u>
32	5. LIBRARY SERVICE AREA SYSTEM		
33	For state aid salaries, support, maintenance,		
34	miscellaneous purposes, and for not more than the		
35	following full-time equivalent positions:		
36	.....	\$	<u>502,722</u>
37			<u>1,005,444</u>
38	.....	FTEs	12.00
39	6. PUBLIC BROADCASTING DIVISION		
40	For salaries, support, maintenance, capital		
41	expenditures, miscellaneous purposes, and for not more		
42	than the following full-time equivalent positions:		
43	.....	\$	<u>3,327,011</u>
44			<u>4,024,434</u>
45	.....	FTEs	82.00
46	7. REGIONAL TELECOMMUNICATIONS COUNCILS		
47	For state aid:		
48	.....	\$	<u>496,457</u>
49	The regional telecommunications councils established		
50	in section 8D.5 shall use the moneys appropriated in		

Page 5

1	this subsection to provide technical assistance for		
2	network classrooms, planning and troubleshooting for		
3	local area networks, scheduling of video sites, and		
4	other related support activities.		
5	8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS		
6	For reimbursement for vocational education		
7	expenditures made by secondary schools:		
8	.....	\$	<u>1,315,067</u>
9			<u>2,630,134</u>
10	Moneys appropriated in this subsection shall be used		
11	to reimburse school districts for vocational education		
12	expenditures made by secondary schools to meet the		
13	standards set in sections 256.11, 258.4, and 260C.14.		
14	9. SCHOOL FOOD SERVICE		
15	For use as state matching funds for federal		
16	programs that shall be disbursed according to federal		
17	regulations, including salaries, support, maintenance,		

18	miscellaneous purposes, and for not more than the		
19	following full-time equivalent positions:		
20	.....	\$	<u>1,088,300</u>
21			
22	.....	FTEs	<u>2,176.797</u>
23	10. EARLY CHILDHOOD IOWA FUND — GENERAL AID		20.58
24	For deposit in the school ready children grants		
25	account of the early childhood Iowa fund created in		
26	section 256I.11:		
27	.....	\$	<u>2,693,957</u>
28			<u>5,386.113</u>

29 a. From the moneys deposited in the school ready
30 children grants account for the fiscal year beginning
31 July 1, 2012, and ending June 30, 2013, not more than
32 \$265,950 is allocated for the early childhood Iowa
33 office and other technical assistance activities. The
34 early childhood Iowa state board shall direct staff to
35 work with the early childhood stakeholders alliance
36 created in section 256I.12 to inventory technical
37 assistance needs. Moneys allocated under this lettered
38 paragraph may be used by the early childhood Iowa state
39 board for the purpose of skills development and support
40 for ongoing training of staff. However, except as
41 otherwise provided in this subsection, moneys shall not
42 be used for additional staff or for the reimbursement
43 of staff.

44 b. As a condition of receiving moneys appropriated
45 in this subsection, each early childhood Iowa area
46 board shall report to the early childhood Iowa state
47 board progress on each of the local indicators approved
48 by the area board. Each early childhood Iowa area
49 board must also submit an annual budget for the area's
50 comprehensive school ready children grant developed for

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1 providing services for children from birth through five
2 years of age, and provide other information specified
3 by the early childhood Iowa state board, including
4 budget amendments as needed. The early childhood Iowa
5 state board shall establish a submission deadline for
6 the annual budget and any budget amendments that allow
7 a reasonable period of time for preparation by the
8 early childhood Iowa area boards and for review and
9 approval or request for modification of the materials
10 by the early childhood Iowa state board. In addition,
11 each early childhood Iowa area board must continue to
12 comply with reporting provisions and other requirements
13 adopted by the early childhood Iowa state board in
14 implementing section 256I.9.

15 c. Of the amount appropriated in this subsection
16 for deposit in the school ready children grants account

17 of the early childhood Iowa fund, \$2,318,018 shall
 18 be used for efforts to improve the quality of early
 19 care, health, and education programs. Moneys allocated
 20 pursuant to this paragraph may be used for additional
 21 staff and for the reimbursement of staff. The early
 22 childhood Iowa state board may reserve a portion of the
 23 allocation, not to exceed \$88,650, for the technical
 24 assistance expenses of the early childhood Iowa state
 25 office, including the reimbursement of staff, and
 26 shall distribute the remainder to early childhood Iowa
 27 areas for local quality improvement efforts through
 28 a methodology identified by the early childhood Iowa
 29 state board to make the most productive use of the
 30 funding, which may include use of the distribution
 31 formula, grants, or other means.

32 d. Of the amount appropriated in this subsection
 33 for deposit in the school ready children grants account
 34 of the early childhood Iowa fund, \$825,030 shall
 35 be used for support of professional development and
 36 training activities for persons working in early care,
 37 health, and education by the early childhood Iowa
 38 state board in collaboration with the professional
 39 development component group of the early childhood
 40 Iowa stakeholders alliance maintained pursuant to
 41 section 256I.12, subsection 7, paragraph "b", and the
 42 early childhood Iowa area boards. Expenditures shall
 43 be limited to professional development and training
 44 activities agreed upon by the parties participating in
 45 the collaboration.

46 11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION
 47 ASSISTANCE

48 a. For deposit in the school ready children grants
 49 account of the early childhood Iowa fund created in
 50 section 256I.11:

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1	\$	<u>2,714,430</u>
2		<u>5,428,877</u>

3 b. The amount appropriated in this subsection shall
 4 be used for early care, health, and education programs
 5 to assist low-income parents with tuition for preschool
 6 and other supportive services for children ages three,
 7 four, and five who are not attending kindergarten in
 8 order to increase the basic family income eligibility
 9 requirement to not more than 200 percent of the federal
 10 poverty level. In addition, if sufficient funding is
 11 available after addressing the needs of those who meet
 12 the basic income eligibility requirement, an early
 13 childhood Iowa area board may provide for eligibility
 14 for those with a family income in excess of the basic
 15 income eligibility requirement through use of a sliding

16 scale or other copayment provisions.

17 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
18 PARENT EDUCATION

19 a. For deposit in the school ready children grants
20 account of the early childhood Iowa fund created in
21 section 256I.11:

22 \$ 6,182,217
23 12,364,434

24 b. The amount appropriated in this subsection
25 shall be used for family support services and parent
26 education programs targeted to families expecting a
27 child or with newborn and infant children through age
28 five and shall be distributed using the distribution
29 formula approved by the early childhood Iowa state
30 board and shall be used by an early childhood Iowa
31 area board only for family support services and parent
32 education programs targeted to families expecting a
33 child or with newborn and infant children through age
34 five.

35 c. In order to implement the legislative intent
36 stated in sections 135.106 and 256I.9, that priority
37 for home visitation program funding be given to
38 programs using evidence-based or promising models
39 for home visitation, it is the intent of the general
40 assembly to phase-in the funding priority as follows:

41 (1) By July 1, 2013, 25 percent of state
42 funds expended for home visiting programs are for
43 evidence-based or promising program models.

44 (2) By July 1, 2014, 50 percent of state
45 funds expended for home visiting programs are for
46 evidence-based or promising program models.

47 (3) By July 1, 2015, 75 percent of state
48 funds expended for home visiting programs are for
49 evidence-based or promising program models.

50 (4) By July 1, 2016, 90 percent of state

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1 funds expended for home visiting programs are for
2 evidence-based or promising program models. The
3 remaining 10 percent of funds may be used for
4 innovative program models that do not yet meet the
5 definition of evidence-based or promising programs.

6 d. For the purposes of this subsection, unless the
7 context requires:

8 (1) "Evidence-based program" means a program that
9 is based on scientific evidence demonstrating that
10 the program model is effective. An evidence-based
11 program shall be reviewed onsite and compared to
12 program model standards by the model developer or the
13 developer's designee at least every five years to
14 ensure that the program continues to maintain fidelity

15 with the program model. The program model shall have
16 had demonstrated significant and sustained positive
17 outcomes in an evaluation utilizing a well-designed and
18 rigorous randomized controlled research design or a
19 quasi-experimental research design, and the evaluation
20 results shall have been published in a peer-reviewed
21 journal.

22 (2) "Family support programs" includes group-based
23 parent education or home visiting programs that are
24 designed to strengthen protective factors, including
25 parenting skills, increasing parental knowledge of
26 child development, and increasing family functioning
27 and problem solving skills. A family support program
28 may be used as an early intervention strategy to
29 improve birth outcomes, parental knowledge, family
30 economic success, the home learning environment, family
31 and child involvement with others, and coordination
32 with other community resources. A family support
33 program may have a specific focus on preventing child
34 maltreatment or ensuring children are safe, healthy,
35 and ready to succeed in school.

36 (3) "Promising program" means a program that meets
37 all of the following requirements:

38 (a) The program conforms to a clear, consistent
39 family support model that has been in existence for at
40 least three years.

41 (b) The program is grounded in relevant
42 empirically-based knowledge.

43 (c) The program is linked to program-determined
44 outcomes.

45 (d) The program is associated with a national
46 or state organization that either has comprehensive
47 program standards that ensure high-quality service
48 delivery and continuous program quality improvement
49 or the program model has demonstrated through the
50 program's benchmark outcomes that the program has

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1 achieved significant positive outcomes equivalent
2 to those achieved by program models with published
3 significant and sustained results in a peer-reviewed
4 journal.

5 (e) The program has been awarded the Iowa family
6 support credential and has been reviewed onsite
7 at least every five years to ensure the program's
8 adherence to the Iowa family support standards approved
9 by the early childhood Iowa state board created in
10 section 256I.3 or a comparable set of standards. The
11 onsite review is completed by an independent review
12 team that is not associated with the program or the
13 organization administering the program.

14 e. (1) The data reporting requirements adopted
 15 by the early childhood Iowa state board pursuant
 16 to section 256I.4 for the family support programs
 17 targeted to families expecting a child or with newborn
 18 and infant children through age five and funded
 19 through the board shall require the programs to
 20 participate in a state administered internet-based data
 21 collection system by July 1, 2013. The data reporting
 22 requirements shall be developed in a manner to provide
 23 for compatibility with local data collection systems.
 24 The state board’s annual report submitted each January
 25 to the governor and general assembly under section
 26 256I.4 shall include family support program outcomes
 27 beginning with the January 2015 report.

28 (2) The data on families served that is collected
 29 by the family support programs funded through the
 30 early childhood Iowa initiative shall include but is
 31 not limited to basic demographic information, services
 32 received, funding utilized, and program outcomes for
 33 the children and families served. The state board
 34 shall adopt performance benchmarks for the family
 35 support programs and shall revise the Iowa family
 36 support credential to incorporate the performance
 37 benchmarks on or before January 1, 2014.

38 (3) The state board shall identify minimum
 39 competency standards for the employees and supervisors
 40 of family support programs funded through the early
 41 childhood Iowa initiative. The state board shall
 42 submit recommendations concerning the standards to the
 43 governor and general assembly on or before January 1,
 44 2014.

45 (4) On or before January 1, 2013, the state board
 46 shall adopt criminal and child abuse record check
 47 requirements for the employees and supervisors of
 48 family support programs funded through the early
 49 childhood Iowa initiative.

50 (5) The state board shall develop a plan to

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1 implement a coordinated intake and referral process for
 2 publicly funded family support programs in order to
 3 engage the families expecting a child or with newborn
 4 and infant children through age five in all communities
 5 in the state by July 1, 2015.

6 13. BIRTH TO AGE THREE SERVICES

7 For expansion of the federal Individuals with
 8 Disabilities Education Improvement Act of 2004, Pub.
 9 L. No. 108-446, as amended to January 1, 2012, birth
 10 through age three services due to increased numbers of
 11 children qualifying for those services:

12 \$ 860,700

13		<u>1,721,400</u>
14	From the moneys appropriated in this subsection,	
15	\$383,769 shall be allocated to the child health	
16	specialty clinic at the state university of Iowa to	
17	provide additional support for infants and toddlers	
18	who are born prematurely, drug-exposed, or medically	
19	fragile.	
20	14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS	
21	To provide moneys for costs of providing textbooks	
22	to each resident pupil who attends a nonpublic school	
23	as authorized by section 301.1:	
24	..... \$	<u>280,107</u>
25		<u>560,214</u>
26	Funding under this subsection is limited to \$20 per	
27	pupil and shall not exceed the comparable services	
28	offered to resident public school pupils.	
29	15. CORE CURRICULUM AND CAREER INFORMATION AND	
30	DECISION-MAKING SYSTEM	
31	For purposes of implementing the statewide core	
32	curriculum for school districts and accredited	
33	nonpublic schools and a state-designated career	
34	information and decision-making system:	
35	..... \$	<u>500,000</u>
36		<u>1,000,000</u>
37	16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM	
38	For purposes of the student achievement and teacher	
39	quality program established pursuant to chapter	
40	284, and for not more than the following full-time	
41	equivalent positions:	
42	..... \$	<u>2,302,500</u>
43		<u>4,785,000</u>
44	..... FTEs	<u>2.00</u>
45	17. JOBS FOR AMERICA'S GRADUATES	
46	For school districts to provide direct services to	
47	the most at-risk senior high school students enrolled	
48	in school districts through direct intervention by a	
49	jobs for America's graduates specialist:	
50 \$	<u>20,000</u>

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1		<u>540,000</u>
2	18. COMMUNITY COLLEGES	
3	a. For general state financial aid to merged	
4	areas as defined in section 260C.2 in accordance with	
5	chapters 258 and 260C:	
6	..... \$	<u>81,887,924</u>
7		<u>163,774,647</u>
8	The funds appropriated in this subsection shall	
9	be allocated pursuant to the formula established in	
10	section 206C.18C.	
11	<u>Notwithstanding the allocation formula in section</u>	

12 260C.18C, the funds appropriated in this subsection
13 shall be allocated as follows:

14	(1) Merged Area I.....	\$	8,178,529
15	(2) Merged Area II.....	\$	8,649,157
16	(3) Merged Area III.....	\$	7,965,651
17	(4) Merged Area IV.....	\$	3,912,374
18	(5) Merged Area V.....	\$	9,005,542
19	(6) Merged Area VI.....	\$	7,619,814
20	(7) Merged Area VII.....	\$	11,384,176
21	(8) Merged Area IX.....	\$	14,176,695
22	(9) Merged Area X.....	\$	25,055,309
23	(10) Merged Area XI.....	\$	25,355,377
24	(11) Merged Area XII.....	\$	9,282,987
25	(12) Merged Area XIII.....	\$	9,596,897
26	(13) Merged Area XIV.....	\$	3,974,533
27	(14) Merged Area XV.....	\$	12,453,604
28	(15) Merged Area XVI.....	\$	7,166,002

29 b. For distribution to community colleges to
30 supplement faculty salaries:

31	.....	\$	250,000
32			500,000

33 c. For deposit in the workforce training and
34 economic development funds created pursuant to section
35 260C.18A:

36	.....	\$	2,500,000
37			5,000,000

38 d. Notwithstanding section 260C.14, subsection 2,
39 or any other provision of law to the contrary, the
40 board of directors of a community college shall not
41 implement an increase in tuition for the 2012–2013
42 fiscal year.

43 STATE BOARD OF REGENTS

44 Sec. 5. 2011 Iowa Acts, chapter 132, section 103,
45 is amended to read as follows:
46 SEC. 103. There is appropriated from the general
47 fund of the state to the state board of regents for the
48 fiscal year beginning July 1, 2012, and ending June 30,
49 2013, the following amounts, or so much thereof as is
50 necessary, to be used for the purposes designated:

1	1. OFFICE OF STATE BOARD OF REGENTS		
2	a. For salaries, support, maintenance,		
3	miscellaneous purposes, and for not more than the		
4	following full-time equivalent positions:		
5	.....	\$	532,503
6			1,065,005
7	..... FTEs		15.00

8 The state board of regents shall submit a monthly
9 financial report in a format agreed upon by the state
10 board of regents office and the legislative services

11 agency.

12 Notwithstanding section 262.9, subsection 19, or any
 13 other provision of law to the contrary, neither the
 14 board nor any of the institutions of higher education
 15 governed by the board shall implement an increase in
 16 tuition at any institution of higher education the
 17 board governs for the 2012–2013 fiscal year.

18 b. For moneys to be allocated to the southwest Iowa
 19 graduate studies center:

20 \$ 43,736
 21 87,471

22 c. For moneys to be allocated to the siouxland
 23 interstate metropolitan planning council for the
 24 tristate graduate center under section 262.9,
 25 subsection 22:

26 \$ 33,301
 27 66,601

28 d. For moneys to be allocated to the quad-cities
 29 graduate studies center:

30 \$ 64,888
 31 129,776

32 e. For moneys to be distributed to Iowa public
 33 radio for public radio operations:

34 \$ 195,784
 35 391,568

36 2. STATE UNIVERSITY OF IOWA

37 a. General university, including lakeside
 38 laboratory

39 For salaries, support, maintenance, equipment,
 40 miscellaneous purposes, and for not more than the
 41 following full-time equivalent positions:

42 \$ 104,868,656
 43 191,737,311
 44 FTEs 5,058.55

45 b. Oakdale campus

46 For salaries, support, maintenance, miscellaneous
 47 purposes, and for not more than the following full-time
 48 equivalent positions:

49 \$ 1,093,279
 50 2,186,558

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1 FTEs 38.25

2 c. State hygienic laboratory

3 For salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-time
 5 equivalent positions:

6 \$ 1,768,358
 7 3,536,716
 8 FTEs 102.50

9 d. Family practice program

10	For allocation by the dean of the college of		
11	medicine, with approval of the advisory board, to		
12	qualified participants to carry out the provisions		
13	of chapter 148D for the family practice program,		
14	including salaries and support, and for not more than		
15	the following full-time equivalent positions:		
16	.....	\$	<u>804,133</u>
17	.....		<u>1,788,265</u>
18	.....	FTEs	190.40
19	e. Child health care services		
20	For specialized child health care services,		
21	including childhood cancer diagnostic and treatment		
22	network programs, rural comprehensive care for		
23	hemophilia patients, and the Iowa high-risk infant		
24	follow-up program, including salaries and support, and		
25	for not more than the following full-time equivalent		
26	positions:		
27	.....	\$	<u>320,728</u>
28	.....		<u>659,456</u>
29	.....	FTEs	57.97
30	f. Statewide cancer registry		
31	For the statewide cancer registry, and for not more		
32	than the following full-time equivalent positions:		
33	.....	\$	<u>74,526</u>
34	.....		<u>149,051</u>
35	.....	FTEs	2.10
36	g. Substance abuse consortium		
37	For moneys to be allocated to the Iowa consortium		
38	for substance abuse research and evaluation, and		
39	for not more than the following full-time equivalent		
40	position:		
41	.....	\$	<u>27,765</u>
42	.....		<u>55,529</u>
43	.....	FTEs	1.00
44	h. Center for biocatalysis		
45	For the center for biocatalysis, and for not more		
46	than the following full-time equivalent positions:		
47	\$	<u>361,864</u>
48		<u>723,727</u>
49	FTEs	6.28
50	i. Primary health care initiative		

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1	For the primary health care initiative in the		
2	college of medicine, and for not more than the		
3	following full-time equivalent positions:		
4	.....	\$	<u>324,465</u>
5	.....		<u>648,930</u>
6	.....	FTEs	5.89
7	From the moneys appropriated in this lettered		
8	paragraph, \$254,889 shall be allocated to the		

9	department of family practice at the state university		
10	of Iowa college of medicine for family practice faculty		
11	and support staff.		
12	j. Birth defects registry		
13	For the birth defects registry, and for not more		
14	than the following full-time equivalent position:		
15	.....	\$	<u>19,144</u>
16	.....		<u>38,288</u>
17	.....	FTEs	1.00
18	k. Larned A. Waterman Iowa nonprofit resource		
19	center		
20	For the Larned A. Waterman Iowa nonprofit resource		
21	center, and for not more than the following full-time		
22	equivalent positions:		
23	.....	\$	<u>81,270</u>
24	.....		<u>162,539</u>
25	.....	FTEs	2.75
26	l. Iowa online advanced placement academy science,		
27	technology, engineering, and mathematics initiative		
28	For the Iowa online advanced placement academy		
29	science, technology, engineering, and mathematics		
30	initiative:		
31	.....	\$	<u>240,925</u>
32	.....		<u>481,849</u>
33	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
34	a. General university		
35	For salaries, support, maintenance, equipment,		
36	miscellaneous purposes, and for not more than the		
37	following full-time equivalent positions:		
38	.....	\$	<u>82,172,500</u>
39	.....		<u>154,245,198</u>
40	.....	FTEs	3,647.42
41	b. Agricultural experiment station		
42	For the agricultural experiment station salaries,		
43	support, maintenance, miscellaneous purposes, and		
44	for not more than the following full-time equivalent		
45	positions:		
46	.....	\$	<u>14,055,930</u>
47	.....		<u>28,111,877</u>
48	.....	FTEs	546.98
49	c. Cooperative extension service in agriculture and		
50	home economics		

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1	For the cooperative extension service in agriculture		
2	and home economics salaries, support, maintenance,		
3	miscellaneous purposes, and for not more than the		
4	following full-time equivalent positions:		
5	.....	\$	<u>8,968,361</u>
6	.....		<u>17,936,722</u>
7	.....	FTEs	383.34

8	d. Leopold center		
9	For agricultural research grants at Iowa state		
10	university of science and technology under section		
11	266.39B, and for not more than the following full-time		
12	equivalent positions:		
13	.....	\$	<u>198,709</u>
14	.....		<u>397,417</u>
15	.....	FTEs	11.25
16	e. Livestock disease research		
17	For deposit in and the use of the livestock disease		
18	research fund under section 267.8:		
19	.....	\$	<u>86,423</u>
20	.....		<u>172,845</u>
21	4. UNIVERSITY OF NORTHERN IOWA		
22	a. General university		
23	For salaries, support, maintenance, equipment,		
24	miscellaneous purposes, and for not more than the		
25	following full-time equivalent positions:		
26	.....	\$	<u>37,367,293</u>
27	.....		<u>71,734,586</u>
28	.....	FTEs	1,447.50
29	b. Recycling and reuse center		
30	For purposes of the recycling and reuse center, and		
31	for not more than the following full-time equivalent		
32	positions:		
33	.....	\$	<u>87,628</u>
34	.....		<u>175,256</u>
35	.....	FTEs	3.00
36	c. Science, technology, engineering, and		
37	mathematics (STEM) collaborative initiative		
38	For purposes of establishing a science, technology,		
39	engineering, and mathematics (STEM) collaborative		
40	initiative, and for not more than the following		
41	full-time equivalent positions:		
42	.....	\$	<u>867,928</u>
43	.....		<u>1,734,656</u>
44	.....	FTEs	6.20
45	(1) From the moneys appropriated in this lettered		
46	paragraph, up to \$282,000 shall be allocated for		
47	salaries, staffing, and institutional support. The		
48	remainder of the moneys appropriated in this lettered		
49	paragraph shall be expended only to support activities		
50	directly related to recruitment of kindergarten		

- 1 through grade 12 mathematics and science teachers and
- 2 for ongoing mathematics and science programming for
- 3 students enrolled in kindergarten through grade 12.
- 4 (2) The university of northern Iowa shall work with
- 5 the community colleges to develop STEM professional
- 6 development programs for community college instructors

7	and STEM curriculum development.		
8	d. Real estate education program		
9	For purposes of the real estate education program,		
10	and for not more than the following full-time		
11	equivalent position:		
12	.....	\$	<u>62,651</u>
13			<u>125,302</u>
14	.....	FTEs	1.00
15	5. STATE SCHOOL FOR THE DEAF		
16	For salaries, support, maintenance, miscellaneous		
17	purposes, and for not more than the following full-time		
18	equivalent positions:		
19	.....	\$	<u>4,339,982</u>
20			<u>8,679,964</u>
21	.....	FTEs	126.60
22	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
23	For salaries, support, maintenance, miscellaneous		
24	purposes, and for not more than the following full-time		
25	equivalent positions:		
26	.....	\$	<u>1,809,466</u>
27			<u>3,618,931</u>
28	.....	FTEs	62.87
29	7. TUITION AND TRANSPORTATION COSTS		
30	For payment to local school boards for the tuition		
31	and transportation costs of students residing in the		
32	Iowa braille and sight saving school and the state		
33	school for the deaf pursuant to section 262.43 and		
34	for payment of certain clothing, prescription, and		
35	transportation costs for students at these schools		
36	pursuant to section 270.5:		
37	.....	\$	<u>5,882</u>
38			<u>11,763</u>
39	8. LICENSED CLASSROOM TEACHERS		
40	For distribution at the Iowa braille and sight		
41	saving school and the Iowa school for the deaf based		
42	upon the average yearly enrollment at each school as		
43	determined by the state board of regents:		
44	.....	\$	<u>41,025</u>
45			<u>82,049</u>
46	Sec. 6. Section 256.86, Code 2011, is amended to		
47	read as follows:		
48	256.86 Competition with private sector.		
49	<u>1. It is the intent of the general assembly that</u>		
50	<u>the division shall not compete with the private sector</u>		

- 1 by actively seeking revenue from its operations except
- 2 as provided in this chapter.
- 3 2. a. The division may receive revenue for
- 4 providing services, products, and usage of facilities
- 5 and equipment if one or more of the following

6 conditions are met:

7 (1) The service, product, or usage is not
8 reasonably available in the private sector.

9 (2) The division can provide the service, product,
10 or usage at a time, price, location, or terms that are
11 not reasonably available through the private sector.

12 (3) The service, product, or usage is deemed by
13 the division to be related to public service or the
14 educational mission of the division.

15 b. The division may charge reasonable fees for
16 providing services, products, and usage of facilities
17 and equipment in accordance with paragraph "a,"
18 including but not limited to a reasonable equipment and
19 facilities usage fee.

20 c. Fees charged in accordance with this subsection
21 shall be deposited in the capital equipment replacement
22 revolving fund created pursuant to section 256.87.

23 3. It is not the intent of the general assembly to
24 prohibit the receipt of charitable contributions as
25 defined by section 170 of the Internal Revenue Code.

26 4. The board, the governor, or the administrator
27 may apply for and accept federal or nonfederal gifts,
28 loans, or grants of funds and may use the funds for
29 projects under this chapter.

30 Sec. 7. Section 256.87, Code 2011, is amended to
31 read as follows:

32 256.87 Costs and fees — capital equipment
33 replacement revolving fund.

34 ~~1. The board may provide noncommercial production~~
35 ~~or reproduction services for other public agencies,~~
36 ~~nonprofit corporations or associations organized~~
37 ~~under state law, or other nonprofit organizations,~~
38 ~~and may collect the costs of providing the services~~
39 ~~from the public agency, corporation, association, or~~
40 ~~organization, plus a separate equipment usage fee in~~
41 ~~an amount determined by the board and based upon the~~
42 ~~equipment used. The costs shall be deposited to the~~
43 ~~credit of the board. The separate equipment usage fee~~
44 ~~shall be deposited in the capital equipment replacement~~
45 ~~revolving fund.~~

46 ~~2. The board may establish a capital equipment~~
47 ~~replacement revolving fund into which shall be~~
48 ~~deposited equipment usage fees collected under~~
49 ~~subsection 1 and funds from other sources designated~~
50 ~~for deposit in the A capital equipment replacement~~

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1 revolving fund is created in the state treasury. The
2 revolving fund shall be administered by the board and
3 shall consist of moneys collected by the division as
4 fees and any other moneys obtained or accepted by the

5 division for deposit in the revolving fund.

6 2. The board may expend moneys from the capital
7 equipment replacement revolving fund to update
8 facilities and purchase technical equipment for
9 ~~operating the educational radio and television facility~~
10 its operations.

11 3. Notwithstanding section 12C.7, subsection
12 2, interest or earnings on moneys in the revolving
13 fund shall be credited to the revolving fund.
14 ~~Notwithstanding section 8.33, moneys in the revolving~~
15 ~~fund that remain unencumbered or unobligated at the~~
16 ~~close of the fiscal year shall not revert to any other~~
17 ~~fund but shall remain available in the revolving fund~~
18 ~~for the purposes designated.~~

19 Sec. 8. Section 261.19, subsection 3, Code
20 Supplement 2011, is amended to read as follows:

21 3. A health care professional recruitment ~~revolving~~
22 fund is created in the state treasury as a separate
23 fund under the control of the commission for deposit of
24 moneys appropriated to or received by the commission
25 for use under the program. ~~The commission shall~~
26 ~~deposit payments made by health care professional~~
27 ~~recruitment program recipients and the proceeds from~~
28 ~~the sale of osteopathic loans awarded pursuant to~~
29 ~~section 261.19, subsection 2, paragraph "b", Code 2011,~~
30 ~~into the health care professional recruitment revolving~~
31 ~~fund. Moneys credited to the fund shall be used to~~
32 ~~supplement moneys appropriated for the health care~~
33 ~~professional recruitment program, for loan repayment~~
34 ~~in accordance with this section, and to pay for loan~~
35 ~~or interest repayment defaults by program recipients.~~

36 Notwithstanding section 8.33, any balance in the fund
37 on June 30 of any fiscal year shall not revert to the
38 general fund of the state but shall remain in the fund
39 and be continuously available for loan forgiveness
40 under the program. Notwithstanding section 12C.7,
41 subsection 2, interest or earnings on moneys deposited
42 in the fund shall be credited to the fund.

43 Sec. 9. Section 261.25, subsection 2, Code
44 Supplement 2011, is amended to read as follows:

45 2. There is appropriated from the general fund of
46 the state to the commission for each fiscal year the
47 sum of ~~four~~ two million dollars for tuition grants
48 for students attending for-profit accredited private
49 institutions located in Iowa. A for-profit institution
50 which, effective March 9, 2005, or effective January

1 8, 2010, purchased an accredited private institution
2 that was exempt from taxation under section 501(c)
3 of the Internal Revenue Code, shall be an eligible

4 institution under the tuition grant program. For
5 purposes of the tuition grant program, “for-profit
6 accredited private institution” means an accredited
7 private institution which is not exempt from taxation
8 under section 501(c)(3) of the Internal Revenue Code
9 but which otherwise meets the requirements of section
10 261.9, subsection 1, paragraph “b”, and whose students
11 were eligible to receive tuition grants in the fiscal
12 year beginning July 1, 2003.

13 Sec. 10. Section 284.13, subsection 1, paragraphs a
14 through d, Code Supplement 2011, are amended to read
15 as follows:

16 a. For the fiscal year beginning July 1, ~~2011~~ 2012,
17 and ending June 30, ~~2012~~ 2013, to the department of
18 education, the amount of ~~six~~ five hundred eighty-five
19 thousand dollars for the issuance of national board
20 certification awards in accordance with section 256.44.
21 Of the amount allocated under this paragraph, not
22 less than eighty-five thousand dollars shall be used
23 to administer the ambassador to education position in
24 accordance with section 256.45.

25 b. For the fiscal year beginning July 1, ~~2011~~
26 2012, and ending June 30, ~~2012~~ 2013, an amount up to
27 two million ~~three~~ four hundred ~~ninety~~ five ~~sixty~~ three
28 thousand ~~one~~ five hundred ~~fifty~~ seven ~~ninety~~ ninety dollars
29 for first-year and second-year beginning teachers, to
30 the department of education for distribution to school
31 districts and area education agencies for purposes
32 of the beginning teacher mentoring and induction
33 programs. A school district or area education agency
34 shall receive one thousand three hundred dollars per
35 beginning teacher participating in the program. If the
36 funds appropriated for the program are insufficient
37 to pay mentors, school districts, and area education
38 agencies as provided in this paragraph, the department
39 shall prorate the amount distributed to school
40 districts and area education agencies based upon the
41 amount appropriated. Moneys received by a school
42 district or area education agency pursuant to this
43 paragraph shall be expended to provide each mentor with
44 an award of five hundred dollars per semester, at a
45 minimum, for participation in the school district’s or
46 area education agency’s beginning teacher mentoring
47 and induction program; to implement the plan; and to
48 pay any applicable costs of the employer’s share of
49 contributions to federal social security and the Iowa
50 public employees’ retirement system or a pension and

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1 annuity retirement system established under chapter
 2 294, for such amounts paid by the district or area
 3 education agency.
 4 c. For the fiscal year beginning July 1, ~~2011~~
 5 2012, and ending June 30, ~~2012~~ 2013, up to six hundred
 6 thousand dollars to the department for purposes of
 7 implementing the professional development program
 8 requirements of section 284.6, assistance in developing
 9 model evidence for teacher quality committees
 10 established pursuant to section 284.4, subsection 1,
 11 paragraph "c", and the evaluator training program in
 12 section 284.10. A portion of the funds allocated to
 13 the department for purposes of this paragraph may be
 14 used by the department for administrative purposes and
 15 for not more than four full-time equivalent positions.
 16 d. For the fiscal year beginning July 1, ~~2011~~
 17 2012, and ending June 30, ~~2012~~ 2013, an amount up to
 18 one million one hundred ~~four~~ thirty-six thousand ~~eight~~
 19 four hundred ~~forty-three~~ ten dollars to the department
 20 for the establishment of teacher development academies
 21 in accordance with section 284.6, subsection 10. A
 22 portion of the funds allocated to the department
 23 for purposes of this paragraph may be used for
 24 administrative purposes.
 25 Sec. 11. 2011 Iowa Acts, chapter 132, section 99,
 26 is repealed.
 27 Sec. 12. REPEAL. Sections 261.92, 261.93, 261.93A,
 28 261.94, 261.95, 261.96, and 261.97, Code and Code
 29 Supplement 2011, are repealed.>
 30 2. Title page, lines 4 and 5, by striking <regents,
 31 and providing effective date provisions> and inserting
 32 <regents>

S-5146

1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, line 22, by striking <subsection> and
 4 inserting <subsections>
 5 2. Page 12, after line 1 by inserting:
 6 <NEW SUBSECTION. 5. In the case of an application
 7 to construct a nuclear generation facility, the
 8 applicant has established a disaster compensation fund
 9 in compliance with requirements determined by the
 10 board by rule to compensate utility customers and other
 11 individuals or entities for property damage resulting
 12 from any accidental or intentional release of hazardous
 13 or radioactive materials from the facility.>
 14 3. By renumbering as necessary.

S-5147

1 Amend Senate File 2286 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 476D.1 Definitions.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. “Board” means the utilities board within the
8 utilities division of the department of commerce.

9 2. “Dairy producer” means any person or entity that
10 owns or operates a dairy farm or that owns cows that do
11 or are intended to produce milk.

12 3. “Utility” means a public utility as defined in
13 section 476.1 or, for purposes of this chapter, any
14 other person owning or operating more than one thousand
15 five hundred miles of transmission lines and associated
16 facilities in this state.

17 Sec. 2. NEW SECTION. 476D.2 Utility inspections —
18 stray current or voltage.

19 1. A dairy producer in this state that claims that
20 its dairy cows are being affected by stray current
21 or voltage shall provide written notice to a utility
22 providing electric service to the dairy producer and
23 may provide written notice to the board. The notice
24 shall include a nonbinding statement as to why the
25 dairy producer claims its dairy cows are being affected
26 by electrical energy attributable to the utility.

27 2. a. Within fourteen business days after receipt
28 of a notice alleging stray current or voltage by a
29 utility pursuant to subsection 1, the utility shall
30 take or arrange for the taking of measurements to
31 identify the existence and magnitude of the stray
32 current or voltage, if any. A dairy producer providing
33 notice of the claim shall permit entry onto the dairy
34 farm at dates and times mutually agreed upon by the
35 dairy producer and the utility. The utility shall
36 perform no other service or inspection on the dairy
37 farm beyond taking measurements of stray current
38 or voltage, except the utility may advise the dairy
39 producer as to recommended on-farm remedial action
40 and may perform such on-farm remedial action with the
41 permission of the dairy producer. The utility or
42 its representative shall abide by the dairy farm’s
43 biosecurity protocols or, if none, generally accepted
44 biosecurity protocols in the industry, prior to entry
45 onto the dairy farm. The utility shall be provided
46 advance notice of any biosecurity protocols adopted by
47 the dairy producer.

48 b. A dairy producer may include with the notice
49 provided pursuant to subsection 1, or in a subsequent
50 notice, a written request for the board to take or

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1 arrange for the taking of separate and independent
 2 measurements to identify the existence and magnitude
 3 of stray current or voltage, if any. Such a request
 4 may also be made by the utility. Measurements by the
 5 board shall be taken by a representative of the board
 6 directly, or by a neutral third-party expert selected
 7 by the board for such purposes. A dairy producer
 8 providing notice of the claim shall permit entry onto
 9 the dairy farm at dates and times mutually agreed upon
 10 by the dairy producer and the board, a representative
 11 of the board directly, or by a neutral third-party
 12 expert selected by the board for such purposes. The
 13 board or a selected third-party expert shall perform
 14 no other service or inspection on the dairy farm
 15 beyond taking measurements of stray current or voltage,
 16 except the board or third-party expert may advise the
 17 dairy producer as to recommended on-farm remedial
 18 action. The board or the third-party expert shall
 19 abide by the dairy farm's biosecurity protocols or,
 20 if none, by generally accepted biosecurity protocols
 21 in the industry, prior to entry onto the dairy farm.
 22 The board shall be provided advance notice of any
 23 biosecurity protocols adopted by the dairy producer.
 24 The board shall subsequently prepare or cause to be
 25 prepared a determination of source document which shall
 26 be made available to both the dairy producer and the
 27 utility.

28 Sec. 3. NEW SECTION. 476D.3 Rules.

29 The board shall by rule establish procedures and
 30 protocols to be used for the measurement of stray
 31 current or voltage. The board shall review the rules
 32 from time to time, or upon petition to the board, to
 33 ensure that the procedures and protocols continue to
 34 be scientifically and technologically accurate and a
 35 reliable means of detecting stray current or voltage.>

STEVEN J. SODDERS

S-5148

HOUSE AMENDMENT TO
 SENATE FILE 2316

1 Amend Senate File 2316, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <DIVISION I
 6 REBUILD IOWA INFRASTRUCTURE FUND
 7 Section 1. There is appropriated from the rebuild

8 Iowa infrastructure fund to the following departments
9 and agencies for the following fiscal years the
10 following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For projects related to major repairs and major
14 maintenance for state buildings and facilities:

15 FY 2012–2013	\$	20,000,000
16 FY 2013–2014	\$	20,000,000

17 b. For renovations and related improvements to a
18 cottage at the Iowa juvenile home at Toledo:

19 FY 2012–2013	\$	500,000
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20 2. DEPARTMENT OF CORRECTIONS:

21 For repairs and renovation of the hot water loop
22 system at the Newton correctional facility:

23 FY 2012–2013	\$	425,000
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24 3. DEPARTMENT OF CULTURAL AFFAIRS

25 a. For exterior and interior repairs and related
26 improvements to the state historical building,
27 including the addition of a visitor center:

28 FY 2012–2013	\$	2,000,000
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29 b. For deposit into the Iowa great places program
30 fund created in section 303.3D for Iowa great places
31 program projects that meet the definition of the term
32 “vertical infrastructure” in section 8.57, subsection
33 6, paragraph “c”:

34 FY 2012–2013	\$	1,000,000
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35 4. DEPARTMENT OF EDUCATION

36 a. For accelerated career education program capital
37 projects at community colleges that are authorized
38 under chapter 260G and that meet the definition of
39 the term “vertical infrastructure” in section 8.57,
40 subsection 6, paragraph “c”:

41 FY 2012–2013	\$	5,000,000
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42 b. For maintenance and lease costs associated with
43 connections for part III of the Iowa communications
44 network, notwithstanding section 8.57, subsection 6,
45 paragraph “c”:

46 FY 2012–2013	\$	2,727,000
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47 5. DEPARTMENT OF HUMAN SERVICES

48 For the renovation and construction of certain
49 nursing facilities, consistent with the provisions of
50 chapter 249K:

Page 2

1 FY 2012–2013	\$	250,000
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2 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
3 COMMISSION

4 For replacement of equipment for the Iowa
5 communications network, notwithstanding section 8.57,
6 subsection 6, paragraph “c”:

7	FY 2012–2013	\$	2,248,653
8	The commission may continue to enter into contracts		
9	pursuant to section 8D.13 for the replacement of		
10	equipment and for operations and maintenance costs of		
11	the network.		
12	In addition to moneys appropriated in this		
13	subsection, the commission may use a financing		
14	agreement entered into by the treasurer of state in		
15	accordance with section 12.28 for the replacement		
16	of equipment for the network. For purposes of this		
17	subsection, the treasurer of state is not subject to		
18	the maximum principal limitation contained in section		
19	12.28, subsection 6. Repayment of any amounts financed		
20	shall be made from receipts associated with fees		
21	charged for use of the network.		
22	7. DEPARTMENT OF NATURAL RESOURCES		
23	For implementation of lake projects that have		
24	established watershed improvement initiatives		
25	and community support in accordance with the		
26	department’s annual lake restoration plan and report,		
27	notwithstanding section 8.57, subsection 6, paragraph		
28	“c”:		
29	FY 2012–2013	\$	5,459,000
30	8. DEPARTMENT OF PUBLIC DEFENSE		
31	a. For major maintenance projects at national guard		
32	armories and facilities:		
33	FY 2012–2013	\$	2,000,000
34	b. For construction improvement projects at		
35	statewide readiness centers:		
36	FY 2012–2013	\$	2,050,000
37	c. For construction upgrades at Camp Dodge		
38	including sanitary system and sewer system		
39	improvements:		
40	FY 2012–2013	\$	610,000
41	d. For renovation, repair, and related improvements		
42	at the joint forces headquarters building:		
43	FY 2012–2013	\$	500,000
44	9. BOARD OF REGENTS		
45	For allocation by the state board of regents to the		
46	state university of Iowa, Iowa state university of		
47	science and technology, and the university of northern		
48	Iowa to reimburse the institutions for deficiencies		
49	in the operating funds resulting from the pledging of		
50	tuition, student fees and charges, and institutional		

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1	income to finance the cost of providing academic and		
2	administrative buildings and facilities and utility		
3	services at the institutions:		
4	FY 2012–2013	\$	25,130,412
5	10. DEPARTMENT OF TRANSPORTATION		

6	a. For acquiring, constructing, and improving		
7	recreational trails within the state:		
8	FY 2012–2013	\$	3,000,000
9	b. For deposit into the public transit		
10	infrastructure grant fund created in section 324A.6A,		
11	for projects that meet the definition of “vertical		
12	infrastructure” in section 8.57, subsection 6,		
13	paragraph “c”:		
14	FY 2012–2013	\$	1,500,000
15	c. For infrastructure improvements at the		
16	commercial service airports within the state:		
17	FY 2012–2013	\$	1,500,000
18	d. For infrastructure improvements at general		
19	aviation airports within the state:		
20	FY 2012–2013	\$	750,000
21	e. For deposit into the railroad revolving loan and		
22	grant fund created in section 327H.20A, notwithstanding		
23	section 8.57, subsection 6, paragraph “c”:		
24	FY 2012–2013	\$	1,500,000
25	11. DEPARTMENT OF VETERANS AFFAIRS		
26	For a boiler replacement and related improvements		
27	at the Iowa veterans home:		
28	FY 2012–2013	\$	975,919
29	12. STATE FAIR AUTHORITY		
30	For renovations and improvements including but not		
31	limited to the cultural center at the state fair:		
32	FY 2012–2013	\$	500,000
33	13. TREASURER OF STATE		
34	For distribution in accordance with chapter 174 to		
35	qualified fairs which belong to the association of Iowa		
36	fairs for county fair infrastructure improvements:		
37	FY 2012–2013	\$	1,060,000
38	Sec. 2. REVERSION. For purposes of section 8.33,		
39	unless specifically provided otherwise, unencumbered		
40	or unobligated moneys made from an appropriation in		
41	this division of this Act shall not revert but shall		
42	remain available for expenditure for the purposes		
43	designated until the close of the fiscal year that ends		
44	three years after the end of the fiscal year for which		
45	the appropriation is made. However, if the project		
46	or projects for which such appropriation was made are		
47	completed in an earlier fiscal year, unencumbered or		
48	unobligated moneys shall revert at the close of that		
49	same fiscal year.		
50	DIVISION II		

1 TECHNOLOGY REINVESTMENT FUND
 2 Sec. 3. There is appropriated from the technology
 3 reinvestment fund created in section 8.57C to the
 4 following entities for the fiscal year beginning July

5 1, 2012, and ending June 30, 2013, the following
6 amounts, or so much thereof as is necessary, to be used
7 for the purposes designated:

8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
9 For technology improvement projects:
10 \$ 1,000,000

11 2. DEPARTMENT OF CORRECTIONS
12 a. For costs associated with the Iowa corrections
13 offender network data system:
14 \$ 500,000

15 b. For the provision of land mobile radio
16 communications equipment purchased by the department of
17 corrections with the goal of achieving compliance with
18 the federal communications commission’s narrowbanding
19 mandate deadline, and for achieving interoperability as
20 defined in section 80.28:
21 \$ 3,500,000

22 If the department of public safety enters into a
23 public-private partnership, through a competitive
24 bidding process, for the provision of the statewide
25 network and the purchase of compatible equipment, the
26 department of corrections shall join that effort.
27 As a condition of this appropriation, all land
28 mobile radio communications equipment purchased by
29 the department of corrections shall be compliant with
30 the federal communications commission’s narrowbanding
31 mandate and shall provide the maximum amount of
32 statewide coverage and interoperability, throughout
33 all phases of migration, to the department of public
34 safety’s future statewide digital radio network
35 utilizing P-25 standards.

36 3. DEPARTMENT OF EDUCATION
37 a. For the continued development and implementation
38 of an educational data warehouse that will be utilized
39 by teachers, parents, school district administrators,
40 area education agency staff, department of education
41 staff, and policymakers:
42 \$ 600,000

43 The department may use a portion of the moneys
44 appropriated in this lettered paragraph for an
45 e-transcript data system capable of tracking students
46 throughout their education via interconnectivity with
47 multiple schools.

48 b. To the public broadcasting division for the
49 purchase of eight high-powered transmitting tubes:
50 \$ 320,000

1 4. DEPARTMENT OF HUMAN RIGHTS
2 For the cost of equipment and computer software for
3 the continued development and implementation of Iowa’s

4	criminal justice information system:	
5	.....	\$ 1,742,397
6	5. DEPARTMENT OF MANAGEMENT	
7	a. For the continued development and implementation	
8	of a searchable database that can be placed on the	
9	internet for budget and financial information:	
10	.....	\$ 45,000
11	b. For completion of the comprehensive electronic	
12	grant management system:	
13	.....	\$ 125,000
14	6. IOWA JUDICIAL BRANCH	
15	For costs associated with the continued development	
16	and implementation of the electronic document	
17	management system:	
18	.....	\$ 4,000,000
19	Sec. 4. REVERSION. For purposes of section 8.33,	
20	unless specifically provided otherwise, unencumbered	
21	or unobligated moneys made from an appropriation in	
22	this division of this Act shall not revert but shall	
23	remain available for expenditure for the purposes	
24	designated until the close of the fiscal year that ends	
25	three years after the end of the fiscal year for which	
26	the appropriation was made. However, if the project	
27	or projects for which such appropriation was made are	
28	completed in an earlier fiscal year, unencumbered or	
29	unobligated moneys shall revert at the close of that	
30	same fiscal year.	
31		
32	DIVISION III	
33	CHILDREN'S HEALTH INSURANCE PROGRAM — TECHNOLOGY	
34	REINVESTMENT FUND	
35	Sec. 5. CHILDREN'S HEALTH INSURANCE PROGRAM —	
36	TECHNOLOGY REINVESTMENT FUND. Moneys received from	
37	the federal government through the child enrollment	
38	contingency fund established pursuant to section 103	
39	of the federal Children's Health Insurance Program	
40	Reauthorization Act of 2009, Pub. L. No. 111-3, are	
41	appropriated to the technology reinvestment fund	
42	created in section 8.57C for the following fiscal	
43	years, to be used, in addition to any other amounts	
44	appropriated to the technology reinvestment fund, for	
45	the purposes of section 8.57C, subsection 2:	
46	FY 2012–2013	\$ 14,000,000
47	FY 2013–2014	\$ 6,000,000
48	The moneys appropriated pursuant to this section	
49	shall not be used for any appropriations that receive	
50	federal funding. Notwithstanding section 8.33 the	
	moneys appropriated in this section shall not revert to	

1 the fund from which appropriated.

2 DIVISION IV

3 DEPARTMENT OF TRANSPORTATION — RADIOS

4 Sec. 6. DEPARTMENT OF TRANSPORTATION —

5 RADIOS. All land mobile radio communications equipment

6 purchased by the department of transportation shall be

7 compliant with the federal communications commission's

8 narrowbanding mandate and shall provide the maximum

9 amount of statewide coverage and interoperability,

10 throughout all phases of migration, to the department

11 of public safety's future statewide digital radio

12 network utilizing P-25 standards.

13 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of

14 this Act, being deemed of immediate importance, takes

15 effect upon enactment.

16 Sec. 8. RETROACTIVE APPLICABILITY. This division

17 of this Act applies retroactively to July 1, 2011.

18 DIVISION V

19 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND

20 ACCOUNT — APPROPRIATION

21 Sec. 9. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED

22 CAPITALS FUND ACCOUNT. There is appropriated from

23 the endowment for Iowa's health restricted capitals

24 fund account to the department of education for the

25 fiscal year beginning July 1, 2012, and ending June 30,

26 2013, the following amount, or so much thereof as is

27 necessary, to be used for the purpose designated:

28 For major renovation and major repair needs,
29 including health, life, and fire safety needs and for
30 compliance with the federal Americans with Disabilities
31 Act, for state buildings and facilities under the
32 purview of the community colleges:

33 \$ 2,000,000

34 Sec. 10. REVERSION. For purposes of section 8.33,

35 unless specifically provided otherwise, unencumbered

36 or unobligated moneys made from an appropriation in

37 this division of this Act shall not revert but shall

38 remain available for expenditure for the purposes

39 designated until the close of the fiscal year that ends

40 one year after the end of the fiscal year for which

41 the appropriation is made. However, if the project

42 or projects for which such appropriation was made are

43 completed in an earlier fiscal year, unencumbered or

44 unobligated moneys shall revert at the close of that

45 same fiscal year.

46 DIVISION VI

47 CHANGES TO PRIOR APPROPRIATIONS

48 Sec. 11. 2009 Iowa Acts, chapter 170, section

49 25, subsection 1, paragraph d, is amended to read as

50 follows:

1 d. DEPARTMENT OF PUBLIC SAFETY

2 For construction of a state emergency response
3 training facility to be located in merged area XI:

4 \$ 2,000,000
5 0

6 Sec. 12. 2011 Iowa Acts, chapter 128, section 19,
7 subsection 2, is amended to read as follows:

8 2. a. The mobile radios purchased by the
9 department of natural resources pursuant to subsection
10 1 shall be compatible with a statewide public safety
11 radio network, ~~if created in legislation enacted by~~
12 ~~the 2011 regular session of the General Assembly,~~
13 ~~which may include provisions in 2011 Iowa Acts,~~
14 ~~Senate File 541, if enacted 2011 Iowa Acts, ch. 133,~~
15 ~~section 3, subsection 8, paragraph a.~~ The department
16 shall purchase the mobile radios after conducting a
17 competitive bidding process.

18 b. As a condition of this appropriation, all land
19 mobile radio communications equipment purchased by the
20 department of natural resources shall be compliant with
21 the federal communications commission’s narrowbanding
22 mandate and shall provide the maximum amount of
23 statewide coverage and interoperability, throughout
24 all phases of migration, to the department of public
25 safety’s future statewide digital radio network
26 utilizing P-25 standards.

27 Sec. 13. 2011 Iowa Acts, chapter 133, section
28 1, subsection 3, paragraph b, is amended to read as
29 follows:

30 b. For the construction project and one-time
31 ~~furniture, fixture, and~~ equipment costs at the Iowa
32 correctional facility for women at Mitchellville:
33 FY 2011–2012 \$ 3,061,556
34 FY 2012–2013 \$ 5,391,062
35 FY 2013–2014 \$ 26,769,040

36 Sec. 14. 2011 Iowa Acts, chapter 133, section
37 1, subsection 10, paragraph c, is amended to read as
38 follows:

39 c. For projects for immediate fire safety needs
40 and for compliance with the federal Americans with
41 Disabilities Act, at the regents institutions:
42 FY 2011–2012 \$ 2,000,000
43 FY 2012–2013 \$ 2,000,000

44 Of the amounts appropriated in this lettered
45 paragraph, up to \$2,000,000 may be used to fund
46 deductibles on property insurance and to provide
47 the necessary match for funds which may be available
48 from the federal emergency management agency for the
49 cleanup, repair, and restoration of facilities at the
50 state school for the deaf and the Iowa braille and

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1 sight saving school due to storm damage in the calendar
2 year 2011, notwithstanding section 8.57, subsection 6,
3 paragraph "c".

4 Sec. 15. 2011 Iowa Acts, chapter 133, section
5 1, subsection 13, paragraph b, is amended to read as
6 follows:

7 b. For the Iowa veterans home to upgrade generator
8 emissions controls to meet required stack emissions
9 for four generators and ~~related improvements for the~~
10 construction of a building that secures vehicles during
11 nonuse and inclement weather:

12 FY 2011–2012 \$ 250,000

13 Sec. 16. 2011 Iowa Acts, chapter 133, section
14 3, subsection 8, paragraph a, is amended to read as
15 follows:

16 a. For the provision of a statewide public safety
17 radio network and the purchase of compatible radio
18 communications equipment with the goal of achieving
19 compliance with the federal communications commission’s
20 narrowbanding mandate deadline, and for achieving
21 “interoperability”, as defined in section 80.28:

22 FY 2011–2012 \$ 2,500,000
23 FY 2012–2013 \$ 2,500,000
24 FY 2013–2014 \$ 2,500,000

25 Of the amounts appropriated in this lettered
26 paragraph, the department of public safety may
27 enter into a public-private partnership, through a
28 competitive bidding process, for the provision of
29 the statewide network and the purchase of compatible
30 equipment.

31 As a condition of this appropriation, all land
32 mobile radio communications equipment purchased by the
33 department of public safety shall be compliant with
34 the federal communications commission’s narrowbanding
35 mandate and shall provide the maximum amount of
36 statewide coverage and interoperability, throughout
37 all phases of migration, to the department of public
38 safety’s future statewide digital radio network
39 utilizing P-25 standards.

40 On or before January 13, 2012, the department of
41 public safety shall provide a report to the legislative
42 services agency and the department of management.
43 The report shall detail the status of the funds
44 appropriated in this subsection and shall include
45 the estimated needs of the departments of public
46 safety, corrections, and natural resources to achieve
47 interoperability and to meet the federal narrowbanding
48 mandate, any changes in estimated costs to meet those
49 needs, and the status of requests for proposals to
50 develop a public-private partnership.

1 Sec. 17. 2011 Iowa Acts, chapter 133, section 5,
2 subsection 1, is amended to read as follows:

3 1. DEPARTMENT OF CORRECTIONS

4 For the construction project and one-time furniture,
5 fixture, and equipment costs at the Iowa correctional
6 facility for women at Mitchellville:

7 \$ 4,430,952

8 Sec. 18. EFFECTIVE UPON ENACTMENT. This division
9 of this Act, being deemed of immediate importance,
10 takes effect upon enactment.

11 DIVISION VII

12 MISCELLANEOUS CODE CHANGES

13 Sec. 19. Section 8.57, subsection 6, paragraph
14 e, subparagraph (1), subparagraph division (d),
15 subparagraph subdivision (ii), Code Supplement 2011, is
16 amended to read as follows:

17 (ii) However, in lieu of the deposit in
18 subparagraph subdivision (i), for the fiscal year
19 beginning July 1, 2010, and for each fiscal year
20 thereafter until the principal and interest on all
21 bonds issued by the treasurer of state pursuant to
22 section 12.87 are paid, as determined by the treasurer
23 of state, ~~sixty-four~~ fifty-five million seven hundred
24 fifty thousand dollars of the excess moneys directed to
25 be deposited in the rebuild Iowa infrastructure fund
26 under subparagraph subdivision (i) shall be deposited
27 in the general fund of the state.

28 Sec. 20. Section 8.57A, subsection 4, paragraph c,
29 Code Supplement 2011, is amended to read as follows:

30 c. There is appropriated from the rebuild Iowa
31 infrastructure fund for the fiscal year beginning
32 July 1, 2012, and ending June 30, 2013, the sum
33 of ~~thirty-five~~ twenty-three million dollars to the
34 environment first fund, notwithstanding section 8.57,
35 subsection 6, paragraph "c".

36 Sec. 21. Section 8.57C, subsection 3, paragraph a,
37 Code Supplement 2011, is amended to read as follows:

38 a. (1) There is appropriated from the general fund
39 of the state for the fiscal year beginning July 1,
40 2012, and ~~for each subsequent fiscal year thereafter~~
41 ending June 30, 2013, the sum of ~~seventeen~~ five million
42 five hundred thousand dollars, and for the fiscal year
43 beginning July 1, 2013, and ending June 30, 2014,
44 the sum of five million dollars to the technology
45 reinvestment fund.

46 (2) There is appropriated from the general fund of
47 the state for the fiscal year beginning July 1, 2014,
48 and for each subsequent fiscal year thereafter, the sum
49 of seventeen million five hundred thousand dollars to
50 the technology reinvestment fund.

Page 10

1 Sec. 22. Section 16.181A, subsection 1, Code 2011,
 2 is amended by striking the subsection.

3 Sec. 23. Section 428A.8, subsection 2, paragraphs
 4 d, e, and f, Code 2011, are amended to read as follows:
 5 d. For the fiscal year beginning July 1, 2012,
 6 ~~seventy-five~~ fifty-two and one-half percent of the
 7 receipts shall be deposited in the general fund, ~~twenty~~
 8 forty-two and one-half percent of the receipts shall b
 9 transferred to the housing trust fund, and five percent
 10 of the receipts shall be transferred to the shelter
 11 assistance fund.

12 e. For the fiscal year beginning July 1, 2013,
 13 ~~seventy~~ forty-seven and one-half percent of the
 14 receipts shall be deposited in the general fund,
 15 ~~twenty-five~~ forty-seven and one-half percent of the
 16 receipts shall be transferred to the housing trust
 17 fund, and five percent of the receipts shall be
 18 transferred to the shelter assistance fund.

19 f. For the fiscal year beginning July 1, 2014, and
 20 each succeeding fiscal year, ~~sixty-five~~ forty-two and
 21 one-half percent of the receipts shall be deposited in
 22 the general fund, ~~thirty~~ fifty-two and one-half percent
 23 of the receipts shall be transferred to the housing
 24 trust fund, and five percent of the receipts shall be
 25 transferred to the shelter assistance fund.

26 Sec. 24. Section 428A.8, subsection 3, Code 2011,
 27 is amended to read as follows:
 28 3. Notwithstanding subsection 2, the amount of
 29 money that shall be transferred pursuant to this
 30 section to the housing trust fund in any one fiscal
 31 year shall not exceed ~~three~~ six million dollars. Any
 32 money that otherwise would be transferred pursuant to
 33 this section to the housing trust fund in excess of
 34 that amount shall be deposited in the general fund of
 35 the state.>

36 2. Title page, by striking lines 2 through 5 and
 37 inserting <departments, agencies, and entities from
 38 the rebuild Iowa infrastructure fund, the technology
 39 reinvestment fund, and the endowment for Iowa's health
 40 restricted capitals fund, providing for related>

S-5149

HOUSE AMENDMENT TO
 SENATE FILE 2245

1 Amend Senate File 2245, as passed by the Senate, as
 2 follows:
 3 1. Page 1, lines 5 and 6, by striking <committee,
 4 and provide staffing assistance to the committee>

- 5 2. Page 1, line 6, by striking <committee shall>
6 3. Page 1, line 6, after <study> by inserting
7 <shall evaluate>
8 4. Page 1, line 9, by striking <committee> and
9 inserting <study>
10 5. By striking page 1, line 13, through page 2,
11 line 3.
12 6. Page 2, line 4, by striking <committee> and
13 inserting <commandant of the Iowa veterans home>
14 7. Page 2, line 4, after <the> by inserting
15 <department of veterans affairs, the commission of
16 veterans affairs, the department of public health, the>
17 8. Page 2, lines 7 and 8, by striking <In the
18 report the committee shall advise or> and inserting
19 <The report shall>
20 9. By renumbering as necessary.

S-5150

HOUSE AMENDMENT TO
SENATE FILE 2289

- 1 Amend Senate File 2289, as passed by the Senate, as
2 follows:
3 1. By striking page 1, line 33, through page 2,
4 line 7.

S-5151

- 1 Amend the amendment, S-5147, to Senate File 2286 as
2 follows:
3 1. Page 2, line 27, after <utility.> by
4 inserting <Any conclusion or determination in such a
5 determination of source document shall not be construed
6 to create a presumption or conclusive proof of the
7 existence or lack of existence of proximate cause or
8 damage as a result of stray current or voltage in any
9 civil action for damages or injunctive relief. The
10 board's measurements and determinations in accordance
11 with this chapter shall be considered to be an advisory
12 opinion of the board and shall not be binding on the
13 court.>
14 2. Page 2, line 35, after <voltage.> by inserting
15 <The procedures and protocols established by the
16 board shall only be used for the purpose of taking
17 measurements under section 476D.2. Such procedures
18 and protocols shall not be construed to create a
19 presumption or conclusive proof of the existence or
20 lack of existence of proximate cause or damage as a
21 result of stray current or voltage in any civil action
22 for damages or injunctive relief.>

JOE M. SENG
DAVID JOHNSON

S-5152HOUSE AMENDMENT TO
SENATE FILE 2317

- 1 Amend Senate File 2317, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 12, by striking <license> and
 4 inserting <license, annual>
 - 5 2. Page 5, after line 12 by inserting:
 6 <Op. Fur dealer license, one day,
 7 one location \$ 250.00
 - 8 3. Title page, line 1, after <hunting,> by
 9 inserting <fur dealer,>
 - 10 4. By renumbering as necessary.

S-5153HOUSE AMENDMENT TO
SENATE FILE 2237

- 1 Amend Senate File 2237, as passed by the Senate, as
 2 follows:
- 3 1. Page 2, after line 21 by inserting:
 4 <Sec. ____ Section 99B.8, subsection 6, paragraph
 5 b, Code 2011, is amended by adding the following new
 6 subparagraph:
 7 NEW SUBPARAGRAPH. (4) A qualified organization
 8 that has been licensed under this chapter prior to
 9 January 1, 2012, and that is a religious organization.>
 - 10 2. Title page, line 1, after <An Act> by inserting
 11 <relating to social and charitable gambling concerning
 12 allowable prizes at annual game nights conducted by
 13 religious organizations and>
 - 14 3. By renumbering as necessary.

S-5154HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2292

- 1 Amend the Senate amendment, H-8370, to House File
 2 2292, as passed by the House, as follows:
- 3 1. Page 1, line 9, by striking <412> and inserting
 4 <451>
 - 5 2. By renumbering as necessary.

S-5155

1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 476.53, subsection 3, paragraph
 6 a, subparagraph (1), unnumbered paragraph 1, Code 2011,
 7 is amended to read as follows:
 8 Files an application pursuant to section 476A.3 to
 9 construct in Iowa a baseload electric power generating
 10 facility with a nameplate generating capacity equal to
 11 or greater than ~~three hundred~~ twenty-five megawatts or
 12 a combined-cycle electric power generating facility,
 13 or an alternate energy production facility as defined
 14 in section 476.42, or to significantly alter an
 15 existing generating facility. For purposes of this
 16 subparagraph, a significant alteration of an existing
 17 generating facility must, in order to qualify for
 18 establishment of ratemaking principles, fall into one
 19 of the following categories:>
 20 2. Title page, by striking lines 1 and 2 and
 21 inserting <An Act relating to ratemaking principles for
 22 electric generating facilities.>

ROBERT M. HOGG

S-5156

1 Amend House File 561, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, after line 26 by inserting:
 4 < (f) Limit cost recovery commenced pursuant to
 5 this section for costs incurred prior to completion of
 6 construction of the nuclear generating facility and
 7 commencement of operation to an amount not to exceed
 8 fifty dollars per residential utility customer, and two
 9 hundred dollars per commercial or industrial utility
 10 customer.>
 11 2. Page 11, after line 20 by inserting:
 12 <6. A utility that files an application pursuant to
 13 section 476A.3 to build a nuclear generating facility
 14 or seeks authority pursuant to a combined construction
 15 and operating license or an early site permit from
 16 the United States nuclear regulatory commission
 17 shall establish a voluntary fund to which utility
 18 customers or other individuals may contribute for
 19 costs associated with the construction of new nuclear
 20 generating facilities.>

ROBERT M. HOGG

S-5157HOUSE AMENDMENT TO
SENATE FILE 2123

1 Amend Senate File 2123, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 124.201, subsection 4, Code
5 2011, is amended to read as follows:

6 4. If any new substance is designated as a
7 controlled substance under federal law and notice of
8 the designation is given to the board, the board shall
9 similarly designate as controlled the new substance
10 under this chapter after the expiration of thirty days
11 from publication in the Federal Register of a final
12 order designating a new substance as a controlled
13 substance, unless within that thirty-day period the
14 board objects to the new designation. In that case
15 the board shall publish the reasons for objection
16 and afford all interested parties an opportunity
17 to be heard. At the conclusion of the hearing the
18 board shall announce its decision. Upon publication
19 of objection to a new substance being designated
20 as a controlled substance under this chapter by the
21 board, control under this chapter is stayed until
22 the board publishes its decision. If a substance
23 is designated as controlled by the board under this
24 ~~paragraph subsection~~ the control shall be temporary and
25 if within sixty days after the next regular session
26 of the general assembly convenes it has not made the
27 corresponding changes in this chapter, the temporary
28 designation of control of the substance by the board
29 shall be nullified.

30 Sec. ____ Section 124.204, subsection 4, paragraph
31 ai, Code Supplement 2011, is amended by striking the
32 paragraph and inserting in lieu thereof the following:

33 ai. (1) Salvia divinorum.

34 (2) Salvinorin A.

35 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-
36 dimethyl-3-(2-methyloctan-2-yl)
37 6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol].

38 (4) HU-211(dexanabinol,

39 (6aS,10aS)-9-(hydroxymethyl)-6,6-

40 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
41 chromen-1-ol).

42 (5) Unless specifically exempted or unless
43 listed in another schedule, any material, compound,
44 mixture, or preparation which contains any quantity of
45 cannabimimetic agents, or which contains their salts,
46 isomers, and salts of isomers whenever the existence of
47 such salts, isomers, and salts of isomers is possible

48 within the specific chemical designation.

49 (a) The term “cannabimimetic agents” means any
50 substance that is a cannabinoid receptor type 1 (CB1

Page 2

1 receptor) agonist as demonstrated by binding studies
2 and functional assays within any of the following
3 structural classes:

4 (i) 2-(3-hydroxycyclohexyl)phenol with substitution
5 at the 5-position of the phenolic ring by alkyl or
6 alkenyl, whether or not substituted on the cyclohexyl
7 ring to any extent.

8 (ii) 3-(1-naphthoyl)indole or
9 3-(1-naphthylmethane)indole by substitution at the
10 nitrogen atom of the indole ring, whether or not
11 further substituted on the indole ring to any extent,
12 whether or not substituted on the naphthoyl or naphthyl
13 ring to any extent.

14 (iii) 3-(1-naphthoyl)pyrrole by substitution at
15 the nitrogen atom of the pyrrole ring, whether or not
16 further substituted in the pyrrole ring to any extent,
17 whether or not substituted on the naphthoyl ring to any
18 extent.

19 (iv) 1-(1-naphthylmethylene)indene by substitution
20 of the 3-position of the indene ring, whether or not
21 further substituted in the indene ring to any extent,
22 whether or not substituted on the naphthyl ring to any
23 extent.

24 (v) 3-phenylacetylindole or 3-benzoylindole by
25 substitution at the nitrogen atom of the indole ring,
26 whether or not further substituted in the indole ring
27 to any extent, whether or not substituted on the phenyl
28 ring to any extent.

29 (b) Such terms include:

30 (i) CP 47,497 and homologues
31 5-(1,1-dimethylheptyl)-
32 2-[(1R,3S)-3-hydroxycyclohexyl]phenol.

33 (ii) JWH-018 and AM678
34 1-Pentyl-3-(1-naphthoyl)indole.

35 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

36 (iv) JWH-200
37 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
38 naphthalenyl-methanone.

39 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

40 (vi) JWH-81

41 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

42 (vii) JWH-122

43 1-pentyl-3-(4-methyl-1-naphthoyl)indole.

44 (viii) JWH-250 1-pentyl-3-
45 (2-methoxyphenylacetyl)indole.

46 (ix) RCS-4 and SR-19

- 47 1-pentyl-3-[(4methoxy)-benzoyl]indole.
48 (x) RCS-8 and SR 18 1-cyclohexylethyl-3-
49 (2-methoxyphenylacetyl)indole.
50 (xi) AM2201

Page 3

- 1 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
2 (xii) JWH-203
3 1-pentyl-3-(2-chlorophenylacetyl)indole.
4 (xiii) JWH-398
5 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
6 (xiv) AM694
7 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
8 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog
9 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
10 (6) *Mitragyna speciosa*.
11 (7) *Mitragynine*.
12 Sec. ____ Section 124.204, subsection 6, Code
13 Supplement 2011, is amended by adding the following new
14 paragraph:
15 NEW PARAGRAPH. i. Any substance, compound,
16 mixture or preparation which contains any quantity
17 of any synthetic cathinone that is not approved as
18 a pharmaceutical, including but not limited to the
19 following:
20 (1) Mephedrone, also known as
21 4-methylmethcathinone,(RS)-2-
22 methylamino-1-(4-methylphenyl) propan-1-one.
23 (2) 3,4-methylenedioxypropylvalerone
24 (MDPV)[(1-(1,3- Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-
25 1-pentanone].
26 (3) Methylone, also known as
27 3,4-methylenedioxyethcathinone.
28 (4) Naphthylpyrovalerone (naphyrone).
29 (5) 4-fluoromethcathinone(flephedrone) or a
30 positional isomer of 4-fluoromethcathinone.
31 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).
32 (7) Ethcathinone.
33 (8) 3,4-methylenedioxyethcathinone(ethylone).
34 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine
35 (butylone).
36 (10) N,N-dimethylcathinone(metamfepramone).
37 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
38 (12) 4-methoxy-alpha-pyrrolidinopropiophenone
39 (MOPPP).
40 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
41 (MDPPP).
42 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
43 (15) 6,7-dihydro-5H-indeno-
44 (5,6-d)-1,3-dioxol-6-amine) (MDAI).
45 (16) 3-fluoromethcathinone.

- 46 (17) 4'-Methyl-alpha-pyrrolidinobutiophenone
47 (MPBP).
48 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
49 (2C-E).
50 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine

Page 4

- 1 (2C-D).
2 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine
3 (2C-C).
4 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine
5 (2C-I).
6 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
7 (2C-T-2).
8 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
9 (2C-T-4).
10 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
11 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine
12 (2C-N).
13 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine
14 (2C-P).>
15 2. Page 1, after line 23 by inserting:
16 <Sec. ____ Section 124.401, subsection 1, paragraph
17 d, Code Supplement 2011, is amended to read as follows:
18 d. Violation of this subsection, with respect
19 to any other controlled substances, counterfeit
20 substances, or simulated controlled substances
21 classified in section 124.204, subsection 4,
22 paragraph "ai", section 124.204, subsection 6,
23 paragraph "i", or classified in schedule IV or V is
24 an aggravated misdemeanor. However, violation of
25 this subsection involving fifty kilograms or less of
26 marijuana or involving flunitrazepam is a class "D"
27 felony.>
28 3. Page 1, after line 23 by inserting:
29 <Sec. ____ Section 124.401, subsection 4, Code
30 Supplement 2011, is amended by adding the following new
31 paragraphs:
32 NEW PARAGRAPH. o. Ammonium sulfate.
33 NEW PARAGRAPH. p. Ammonium nitrate.
34 NEW PARAGRAPH. q. Sodium hydroxide.>
35 4. Page 1, after line 26 by inserting:
36 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
37 provisions of this Act, being deemed of immediate
38 importance, take effect upon enactment:
39 1. The section of this Act amending section
40 124.201, subsection 4.
41 2. The section of this Act amending section
42 124.204, subsection 4, paragraph "ai".
43 3. The section of this Act amending section
44 124.204, subsection 6.

- 45 4. The section of this Act amending section
 46 124.401, subsection 1, paragraph “d”.>
 47 5. Title page, line 1, after <schedules,> by
 48 inserting <including possession of certain substances
 49 relating to the manufacture of a controlled substance,>
 50 6. Title page, line 2, by striking <applicable> and

Page 5

- 1 inserting <applicable, and including effective date
 2 provisions>
 3 7. By renumbering as necessary.

S-5158

- 1 Amend the amendment, S-5090, to House File 561,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 29 through 35.
 5 2. Page 2, after line 6 by inserting:
 6 <__. Page 8, after line 26 by inserting:
 7 <(f) Notwithstanding any other provision to the
 8 contrary, cost recovery under the ratemaking principles
 9 established in this section shall be limited to a
 10 revenue increase applied in the same percentage amount
 11 to each customer class and designed to recover, on
 12 an annual basis, not more than five-tenths of one
 13 percent of the electric utility’s previous calendar
 14 year revenues attributable to billed base rates in this
 15 state.>>
 16 3. By renumbering, redesignating, and correcting
 17 internal references as necessary.

JOE BOLKCOM

S-5159

- 1 Amend House File 2399, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 4, after <agency> by inserting <or
 4 other officer or employee designated by a county or
 5 city to enforce this section>
 6 2. Page 2, line 5, after <agency> by inserting <or
 7 designated officer or employee of a county or city>
 8 3. Page 2, line 6, by striking <a criminal> and
 9 inserting <an>
 10 4. Page 2, line 7, after <agency> by inserting <or
 11 designated officer or employee of a county or city>
 12 5. Page 2, line 9, after <in> by inserting
 13 <enforcement of this section or>
 14 6. Page 3, after line 7 by inserting:
 15 <Sec. __. Section 805.8C, Code 2011, is amended by

16 adding the following new subsection:
 17 **NEW SUBSECTION.** 9. Scrap metal transaction
 18 violations. For violations of section 714.27, the
 19 scheduled fine is one hundred dollars for a first
 20 violation, five hundred dollars for a second violation
 21 within two years, and one thousand dollars for a
 22 third or subsequent violation within two years. The
 23 scheduled fine under this subsection is a civil penalty
 24 which shall be deposited into the general fund of the
 25 county or city if imposed by a designated officer or
 26 employee of a county or city, or deposited in the
 27 general fund of the state if imposed by a state law
 28 enforcement agency, and the criminal penalty surcharge
 29 under section 911.1 shall not be added to the penalty.>
 30 7. By renumbering as necessary.

TOM HANCOCK

S-5160

1 Amend House File 2399, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 30, before <The> by inserting <a.>
 4 2. Page 2, after line 32 by inserting:
 5 <b. Notwithstanding paragraph "a" of this
 6 subsection, a city ordinance regarding scrap metal or
 7 other scrap material in effect prior to January 1,
 8 2012, in a city with a population exceeding one hundred
 9 fifty thousand as shown by the 2010 federal decennial
 10 census may continue to be enforced by the city which
 11 adopted it.>

TOM HANCOCK

S-5161

1 Amend the House amendment, S-5153, to Senate File
 2 2237, as passed by the Senate, as follows:
 3 1. Page 1, after line 2 by inserting:
 4 <____. Page 1, after line 15 by inserting:
 5 <Sec. ____ Section 99B.7, subsection 3, paragraph
 6 a, Code Supplement 2011, is amended to read as follows:
 7 a. (1) A person wishing to conduct games and
 8 raffles pursuant to this section as a qualified
 9 organization shall submit an application and a license
 10 fee of one hundred fifty dollars. The annual license
 11 fee for a statewide raffle license shall be one
 12 hundred fifty dollars. However, upon submission of an
 13 application accompanied by a license fee of fifteen
 14 dollars, a person may be issued a limited license
 15 to conduct all games and raffles pursuant to this
 16 section at a specified location and during a specified

17 period of fourteen consecutive calendar days, except
 18 that a bingo occasion may only be conducted once per
 19 each seven consecutive calendar days of the specified
 20 period. In addition, a qualified organization may be
 21 issued a limited license to conduct raffles pursuant to
 22 this section for a period of ninety days for a license
 23 fee of forty dollars or for a period of one hundred
 24 eighty days for a license fee of seventy-five dollars.
 25 For the purposes of this paragraph, a limited license
 26 is deemed to be issued on the first day of the period
 27 for which the license is issued.

28 (2) A qualified organization representing veterans
 29 is exempt from assessment and payment of a license fee
 30 under this paragraph. >>

31 2. Page 1, after line 9 by inserting:

32 <Sec. ____ Section 423.3, subsection 78, paragraph
 33 c, Code Supplement 2011, is amended to read as follows:

34 c. This exemption does not apply to the sales price
 35 from games of skill, games of chance, raffles, and
 36 bingo games as defined in chapter 99B. However, this
 37 exemption does apply to the sales price from raffles
 38 as defined in chapter 99B conducted by a qualified
 39 organization representing veterans that is exempt from
 40 federal income tax under section 501(c)(19) of the
 41 Internal Revenue Code if the profits from the sales
 42 price are used for educational purposes to include
 43 providing scholarships.

44 d. This exemption is disallowed on the amount of
 45 the sales price only to the extent the profits from the
 46 sales, rental, or services are not used by or donated
 47 to the appropriate entity and expended for educational,
 48 religious, or charitable purposes. >>

49 3. Page 1, line 13, after <organizations> by
 50 inserting <, concerning fees and taxes applicable to

Page 2

1 qualified veterans organizations for conducting certain
 2 games and raffles,>

3 4. By renumbering as necessary.

TIM L. KAPUCIAN
 STEVEN J. SODDERS

S-5162

1 Amend Senate File 2329 as follows:

2 1. Page 3, line 11, after <dollars.> by inserting
 3 <In addition, the facility shall not qualify as a
 4 baseball and softball tournament facility and movie
 5 site if the facility or the owner or operator receives
 6 any tax incentive from the state or participates in

7 any tax incentive program offered by the state, not
8 including the sales tax rebate provided pursuant to
9 this subsection.>

MARK CHELGREN

S-5163

1 Amend the amendment, S-5152, to Senate File 2317,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 7 by inserting:
5 <__. By striking page 12, line 10, through page
6 13, line 18, and inserting:
7 <Sec. __. Section 483A.24, subsections 3 and
8 4, Code Supplement 2011, are amended by striking
9 the subsections and inserting in lieu thereof the
10 following:
11 3. The department shall make available for issuance
12 seventy-five nonresident deer hunting licenses
13 and seventy-five wild turkey hunting licenses to
14 nonresidents who have served in the armed forces of
15 the United States on active federal service and who
16 were disabled during the veteran's military service
17 or who are serving in the armed forces of the United
18 States on active federal service and have been disabled
19 during military service to enable the disabled person
20 to participate in a hunt that is conducted by an
21 organization that conducts hunting experiences in this
22 state for disabled persons. The licenses shall be
23 issued as follows:
24 a. The department shall prepare an application to
25 be used by a person requesting a special license under
26 this subsection.
27 (1) The department shall verify that the license
28 will be used by the applicant in connection with
29 a hunt conducted by an approved organization that
30 conducts hunting experiences in this state for disabled
31 veterans and members of the armed forces serving on
32 active federal service who have been disabled during
33 military service. The department shall specify, by
34 rules adopted under chapter 17A, what requirements
35 an organization must meet in order to be approved to
36 conduct hunts for disabled persons who obtain licenses
37 under this subsection.
38 (2) The department of veterans affairs shall assist
39 the department in verifying the status or claims of
40 applicants under this subsection. As used in this
41 subsection, "disabled" means entitled to a service
42 connected rating under 38 U.S.C. ch. 11 with a degree
43 of disability of thirty percent or more.
44 b. A license issued under this subsection shall be

45 in addition to the number of nonresident wild turkey
 46 hunting licenses authorized pursuant to section 483A.7
 47 and nonresident deer hunting licenses authorized
 48 pursuant to section 483A.8. However, a nonresident
 49 who obtains a license pursuant to this subsection is
 50 not eligible to obtain a nonresident deer hunting

Page 2

1 license or wild turkey hunting license under any other
 2 provision of law.

3 c. A disabled person who receives a special license
 4 under this subsection shall purchase a hunting license,
 5 and a wild turkey hunting license or a deer hunting
 6 license, if applicable, and pay the wildlife habitat
 7 fee, all for the same fee that is charged to resident
 8 hunters. If hunting deer, the disabled person shall
 9 also pay a one dollar fee that shall be used and is
 10 appropriated for the purpose of deer herd population
 11 management, including assisting with the cost of
 12 processing deer donated to the help us stop hunger
 13 program administered by the commission.

14 d. A special hunting license shall be available for
 15 issuance under this subsection to a disabled veteran or
 16 disabled member of the armed forces serving on active
 17 federal service for the same fee that is charged to
 18 a resident hunter to enable such a disabled person
 19 to participate in a hunt conducted by an organization
 20 approved under this subsection for which only a hunting
 21 license is required.

22 e. A disabled person who receives a special license
 23 under this subsection shall complete the hunter safety
 24 and ethics education course.

25 f. A license issued under this subsection is valid
 26 for use only on a hunt conducted by an organization
 27 approved under this subsection.

28 g. The commission shall adopt rules under chapter
 29 17A for the administration of this subsection. >>

30 2. By renumbering as necessary.

KENT SORENSON

S-5164

HOUSE AMENDMENT TO
 SENATE FILE 2311

1 Amend Senate File 2311, as passed by the Senate, as
 2 follows:

3 1. Page 54, after line 17 by inserting:

4 <DIVISION ____

5 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK

6 FUND BOARD

7 Sec. ____ Section 455G.4, subsection 1, paragraph
8 a, subparagraphs (4) and (5), Code Supplement 2011, are
9 amended to read as follows:

10 (4) ~~Two~~ Three public members appointed by the
11 governor and confirmed by the senate to staggered
12 four-year terms, except that, of the first members
13 appointed, one public member shall be appointed for a
14 term of two years and one for a term of four years. A
15 public member shall have experience, knowledge, and
16 expertise of the subject matter embraced within this
17 chapter. ~~The two~~ A public ~~members shall~~ member may
18 have experience in either, or both, financial markets
19 or insurance.

20 (5) ~~Two~~ Three owners or operators appointed by the
21 governor, two of which shall be designated as follows:

22 (a) One member shall be an owner or operator who is
23 self-insured.

24 (b) One member shall be a member of the petroleum
25 marketers and convenience stores of Iowa or its
26 designee.>

27 2. By renumbering as necessary.

S-5165HOUSE AMENDMENT TO
SENATE FILE 2318

1 Amend Senate File 2318, as passed by the Senate, as
2 follows:

- 3 1. Page 13, by striking lines 6 through 15.
- 4 2. By renumbering as necessary.

S-5166

1 Amend Senate File 2284 as follows:

2 1. Page 1, line 8, by striking <a> and inserting
3 <an enrolled>

4 2. Page 2, after line 1 by inserting:

5 <Sec. ____ COMPETENCY-BASED INSTRUCTION TASK FORCE.

6 1. The superintendents of the school districts
7 that have been approved by the department of education
8 to implement competency-based instruction shall
9 appoint a task force to conduct a study regarding
10 competency-based instruction standards and options
11 and the integration of competency-based instruction
12 with the Iowa core curriculum, and to develop related
13 assessment models and professional development focused
14 on competency-based instruction.

15 2. At a minimum, the task force shall do all of the
16 following:

- 17 a. Redefine the Carnegie unit into competencies.

18 b. Construct personal learning plans and templates.
19 c. Develop student-centered accountability and
20 assessment models.
21 d. Empower learning through technology.
22 e. Develop supports and professional development
23 for educators to transition to a competency-based
24 system.
25 3. The task force shall be comprised of at least
26 twelve members, nine of whom shall represent education
27 stakeholders and practitioners knowledgeable about
28 the Iowa core curriculum; one of whom shall be the
29 deputy director and administrator of the division of
30 learning and results of the department of education
31 or the deputy director's designee; one of whom shall
32 represent the area education agencies; and one of whom
33 shall represent the Iowa state education association.
34 4. The person representing the area education
35 agency shall convene the initial meeting. The task
36 force shall elect one of its members as chairperson.
37 After the initial meeting, the task force shall
38 meet at the time and place specified by call of the
39 chairperson. The department of education shall provide
40 staffing services for the task force.
41 5. a. The task force shall submit a preliminary
42 report that includes but is not limited to its
43 findings and recommendations relating to subsection 2,
44 paragraphs "b", "d", and "e", by January 15, 2013.
45 b. The task force shall submit its plan, findings,
46 models, and recommendations in a final report to the
47 state board of education, the governor, and the general
48 assembly by November 15, 2013.
49 Sec. ____ EFFECTIVE UPON ENACTMENT. The
50 section of this division of this Act relating to a

Page 2

1 competency-based task force, being deemed of immediate
2 importance, takes effect upon enactment.>
3 3. Page 2, after line 3 by inserting:
4 <Sec. ____ Section 256.7, subsection 21, paragraph
5 b, Code Supplement 2011, is amended to read as follows:
6 b. A set of core academic indicators in mathematics
7 and reading in grades four, eight, and eleven, a set
8 of core academic indicators in science in grades eight
9 and eleven, and another set of core indicators that
10 includes, but is not limited to, graduation rate,
11 postsecondary education, and successful employment in
12 Iowa. Rules adopted pursuant to this subsection shall
13 specify that the approved district-wide assessment of
14 student progress administered for purposes of this
15 paragraph shall be the assessment utilized by school
16 districts statewide in the school year beginning July

17 1, 2011. Annually, the department shall report state
18 data for each indicator in the condition of education
19 report.>

20 4. Page 2, line 6, by striking <curriculum> and
21 inserting <curriculum, if funds are appropriated by the
22 general assembly for that purpose.>

23 5. Page 2, lines 29 and 30, by striking <character
24 education.>

25 6. Page 2, after line 35 by inserting:
26 <(3) The provisions of section 256.18 shall be
27 considered by the state board in developing the core
28 curriculum requirements.>

29 7. By striking page 4, line 17, through page 5,
30 line 17.

31 8. By striking page 5, line 20, through page 6,
32 line 7.

33 9. Page 7, line 3, by striking <which> and
34 inserting <which, if funds are appropriated by the
35 general assembly.>

36 10. Page 7, line 5, after <committees> by inserting
37 <and school boards>

38 11. Page 7, by striking lines 19 through 22
39 and inserting <quality professional development
40 opportunities. Not less than four hours in each month
41 of the school calendar, held outside the minimum school
42 day, shall be set aside during nonpreparation time
43 or designated professional development time to allow
44 practitioners to collaborate with each other to deliver
45 educational programs and assess student learning, or
46 to engage in peer review pursuant to section 284.8,
47 subsection 1. The goal>

48 12. Page 7, by striking line 35 and inserting:
49 <Sec. ____. Section 284.8, subsection 1, Code 2011,
50 is>

Page 3

1 13. Page 8, line 15, by striking <The> and
2 inserting <If funds are appropriated by the general
3 assembly, the>

4 14. By striking page 8, line 29, through page 9,
5 line 8.

6 15. Page 9, line 12, by striking <1.>

7 16. Page 9, by striking lines 27 through 29.

8 17. Page 9, line 31, by striking <The> and
9 inserting:

10 <1. If funds are appropriated by the general
11 assembly, the>

12 18. Page 9, by striking line 32 and inserting
13 <convene a task force to>

14 19. By striking page 9, line 34, through page

15 10, line 5, and inserting <system and a statewide

16 administrator evaluation system.
17 2. The task force shall be comprised of at least
18 twelve members as follows:
19 a. Nine members shall be appointed by the director
20 to represent education stakeholders and practitioners
21 knowledgeable about the Iowa core curriculum and may
22 include members currently serving on the department's
23 teacher quality partnership teacher evaluation team.
24 b. One member shall be the deputy director and
25 administrator of the division of learning and results
26 of the department of education or the deputy director's
27 designee.
28 c. One member shall represent the area education
29 agencies.
30 d. One member shall represent the Iowa state
31 education association.
32 3. The person representing the area education
33 agency shall convene the initial meeting. The task
34 force shall elect one of its members as chairperson.
35 After the initial meeting, the task force shall
36 meet at the time and place specified by call of the
37 chairperson. The department of education shall provide
38 staffing services for the task force.
39 4. To the extent>
40 20. Page 10, line 8, after <69.16C.> by inserting:
41 <5. The task force shall develop a statewide
42 teacher evaluation system and a statewide administrator
43 evaluation system that standardize the instruments and
44 processes used by school districts, charter schools,
45 and accredited nonpublic schools throughout the
46 state to evaluate teachers and administrators. The
47 components of the statewide teacher evaluation system
48 shall include but not be limited to the following:
49 a. Direct observation of classroom teaching
50 behaviors.

Page 4

1 b. Balanced consideration of student growth
2 measures, when available for tested subjects and
3 grades, to supplement direct observation of classroom
4 teaching behaviors.
5 c. Integration of the Iowa teaching standards.
6 d. System applicability to teachers in all content
7 areas taught in a school.
8 6.>
9 21. Page 10, line 12, before <The> by inserting:
10 <7.>
11 22. Page 10, line 17, by striking <The> and
12 inserting <If funds are appropriated by the general
13 assembly, the>
14 23. Page 11, line 24, after <examiners,> by

15 inserting <an organization representing school boards,
 16 the>
 17 24. Page 12, line 2, by striking <The> and
 18 inserting <If funds are appropriated by the general
 19 assembly, the>
 20 25. Page 12, line 9, after <teachers,> by inserting
 21 <an organization representing school boards,>
 22 26. By striking page 13, line 13, through page 15,
 23 line 33, and inserting:
 24 <Sec. ____ Section 256.2, Code 2011, is amended by
 25 adding the following new subsection:
 26 NEW SUBSECTION. 2A. “Online learning” and “online
 27 coursework” mean educational instruction and content
 28 which is delivered primarily over the internet.
 29 “Online learning” and “online coursework” do not include
 30 printed-based correspondence education, broadcast
 31 television or radio, videocassettes, or stand-alone
 32 educational software programs that do not have a
 33 significant internet-based instructional component.
 34 Sec. ____ Section 256.7, Code Supplement 2011, is
 35 amended by adding the following new subsection:
 36 NEW SUBSECTION. 33. Adopt rules for online
 37 learning in accordance with sections 256.24 and
 38 256.24A.
 39 Sec. ____ Section 256.7, subsection 7, paragraph d,
 40 Code Supplement 2011, is amended to read as follows:
 41 d. For ~~the purpose~~ purposes of the rules adopted
 42 by the state board, telecommunications this chapter,
 43 “telecommunications” means narrowcast communications
 44 through systems that are directed toward a narrowly
 45 defined audience and includes interactive live
 46 communications. For purposes of this chapter,
 47 “telecommunications” does not include online learning.>
 48 27. Page 16, line 2, after <districts> by inserting
 49 <and accredited nonpublic schools>
 50 28. Page 16, after line 7 by inserting:

Page 5

1 <____. The initiative shall include an online
 2 learning program model designed to prepare teachers
 3 to meet the needs of students in an online learning
 4 environment, including but not limited to building
 5 community interaction and support, developing
 6 strategies for working with virtual students, and
 7 assessing virtual students.>
 8 29. Page 16, by striking lines 9 through 11 and
 9 inserting <be taught by a teacher licensed under
 10 chapter 272 who has completed an online-learning>
 11 30. Page 16, after line 14 by inserting:
 12 <____. Each participating school district and
 13 accredited nonpublic school shall submit its online

14 curricula to the department for review. Each
 15 participating school district and accredited nonpublic
 16 school shall include in its comprehensive school
 17 improvement plan submitted pursuant to section 256.7,
 18 subsection 21, a list and description of the online
 19 coursework offered by the district.>

20 31. Page 16, line 16, after <district> by inserting
 21 <or accredited nonpublic school>

22 32. Page 16, line 20, after <district> by inserting
 23 <or school>

24 33. Page 16, line 24, after <district> by inserting
 25 <or accredited nonpublic school>

26 34. Page 16, after line 32 by inserting:

27 <Sec. ____ NEW SECTION. 256.24A Online learning
 28 requirements — legislative findings and declarations.

29 1. The general assembly finds and declares the
 30 following:

31 a. That prior legislative enactments on the use of
 32 telecommunications in elementary and secondary school
 33 classes and courses did not contemplate and were not
 34 intended to authorize participation in open enrollment
 35 under section 282.18 for purposes of attending
 36 online schools, contracts to provide exclusively or
 37 predominantly online coursework to students, or online
 38 coursework that does not use teachers licensed under
 39 chapter 272 for instruction and supervision.

40 b. That online learning technology has moved
 41 ahead of Iowa's statutory framework and the current
 42 administrative rules of the state board, promulgated
 43 over twenty years ago, are inadequate to regulate
 44 today's virtual opportunities.

45 c. That telecommunications and online learning are
 46 important educational tools to supplement but not to
 47 replace education provided by teachers licensed under
 48 chapter 272.

49 d. That the use of telecommunications and online
 50 learning to replace education provided by teachers

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1 licensed under chapter 272 is not an effective use of
 2 taxpayer money, increases the cost of administrative
 3 oversight by state and local education officials,
 4 and is not in the best interests of students or their
 5 educational success.

6 2. A student who participates in open enrollment
 7 under section 282.18 shall not receive more than fifty
 8 percent of the student's coursework through online
 9 learning.

10 3. A resident student shall not receive more
 11 than fifty percent of the student's coursework
 12 through online learning unless the school district

13 determines that the student's circumstances make
 14 such online learning necessary and appropriate for
 15 medical, disciplinary, safety, drop-out prevention, or
 16 enrichment purposes.

17 4. Online learning curricula shall be provided and
 18 supervised by a teacher licensed under chapter 272.>

19 35. Page 17, after line 4 by inserting:

20 <Sec. ____ Section 257.6, subsection 1, paragraph
 21 a, Code 2011, is amended by adding the following new
 22 subparagraph:

23 NEW SUBPARAGRAPH. (8) A student participating
 24 in open enrollment under section 282.18, who receives
 25 more than fifty percent of the student's coursework as
 26 online coursework, as defined in section 256.2, shall
 27 be counted as three-tenths of one pupil.>

28 36. Page 17, by striking lines 5 through 13.

29 37. Page 18, by striking lines 23 and 24 and

30 inserting <issued by the board of educational examiners
 31 for ~~employment~~ the following:>

32 38. Page 19, by striking lines 7 through 16 and
 33 inserting:

34 <NEW SUBSECTION. 36. Implement continuous
 35 improvement in every undergraduate program offered by
 36 an institution of higher education governed by the
 37 board.

38 a. A continuous improvement plan shall be developed
 39 and implemented built upon the results of the
 40 institution's student outcomes assessment program using
 41 the following phase-in timeline:

42 (1) For each course with typical annual enrollment
 43 of three hundred or more, whether in one or multiple
 44 sections, a continuous improvement plan shall be
 45 developed and implemented beginning in the fall
 46 semester of 2013.

47 (2) For each course with typical annual enrollment
 48 of two hundred or more but less than three hundred,
 49 whether in one or multiple sections, a continuous
 50 improvement plan shall be developed and implemented

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1 beginning in the fall semester of 2014.

2 (3) For each course with a typical annual
 3 enrollment of one hundred or more but less than
 4 two hundred, whether in one or multiple sections, a
 5 continuous improvement plan shall be developed and
 6 implemented beginning in the fall semester of 2015.

7 b. For each undergraduate course the institution
 8 shall collect and use the results of formative and
 9 summative assessments in its continuous improvement
 10 plan. The board shall annually evaluate the
 11 effectiveness of the plans and shall submit an

12 executive summary of its findings and recommendations
13 in its annual strategic plan progress report, a copy of
14 which shall be submitted to the general assembly.>

15 39. Page 20, after line 10 by inserting:

16 <Sec. ____ NEW SECTION. 262.94 College readiness
17 and awareness programs.

18 The state board of regents may establish or
19 contract to establish programs designed to increase
20 college readiness and college awareness in potential
21 first-generation college students and underrepresented
22 populations. The programs may include but shall not
23 be limited to college go center programs and science
24 bound programs.>

25 40. Page 20, line 32, by striking <sufficient>

26 41. Page 22, after line 4 by inserting:

27 <Sec. ____ Section 256.44, subsection 1, unnumbered
28 paragraph 1, Code 2011, is amended to read as follows:

29 A national board certification pilot project is
30 established to be administered by the department of
31 education. ~~A If funds are appropriated by the general~~
32 assembly, a teacher, as defined in section 272.1,
33 who registers for or achieves national board for
34 professional teaching standards certification, and who
35 is employed by a school district in Iowa and receiving
36 a salary as a classroom teacher, may be eligible for
37 the following:>

38 42. Page 23, line 18, by striking <sufficient>

39 43. Page 23, line 19, by striking <center> and
40 inserting <center.

41 (1) The purpose of the center shall be>

42 44. Page 23, by striking lines 22 through 26 and
43 inserting:

44 <(a) Instructional strategies for prekindergarten
45 through grade twelve to achieve literacy proficiency
46 that includes reading, reading comprehension, and
47 writing for all students.

48 (b) Strategies for identifying and providing
49 evidence-based interventions for students, beginning in
50 kindergarten, who are at risk of not achieving literacy

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1 proficiency.

2 (c) Models for effective school and community
3 partnerships to improve student literacy.

4 (d) Reading assessments.

5 (e) Professional development strategies and
6 materials to support teacher effectiveness in student
7 literacy development.

8 (f) Data reports on attendance center,
9 school district, and statewide progress toward
10 literacy proficiency in the context of student,

11 attendance center, and school district demographic
12 characteristics.

13 (2) The first efforts of the center shall focus on
14 kindergarten through grade three. The center shall
15 draw upon national and state expertise in the field of
16 literacy proficiency, including experts from Iowa's
17 institutions of higher education and area education
18 agencies with backgrounds in literacy development.
19 The center shall seek support from the Iowa research
20 community in data report development and analysis
21 of available information from Iowa education data
22 sources. The center shall work with the department
23 to identify additional needs for tools and technical
24 assistance for Iowa schools to help schools achieve
25 literacy proficiency goals and seek public and private
26 partnerships in developing and accessing necessary
27 tools and technical assistance.>

28 45. Page 23, line 31, by striking ~~<Each>~~ and
29 inserting <If funds for such purpose are appropriated
30 by the general assembly, each>

31 46. Page 23, line 34, after ~~<district.>~~ by
32 inserting <The assessment shall be aligned with state
33 early learning standards and preschool programs shall
34 be encouraged to administer the assessment at least at
35 the beginning and end of the preschool program, with
36 the assessment information entered into the statewide
37 longitudinal data system. The department shall work
38 to develop agreements with head start programs to
39 incorporate similar information about four-year-old
40 children served by head start into the statewide
41 longitudinal data system.>

42 47. Page 23, line 35, after ~~<2.>~~ by inserting <a.>

43 48. Page 24, after line 21 by inserting:

44 b. This subsection is repealed July 1, 2013.>

45 49. Page 24, by striking lines 25 through 31 and
46 inserting:

47 <a. A school district shall assess all students
48 enrolled in kindergarten through grade three at the
49 beginning of each school year for their level of
50 reading or reading readiness on locally determined

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1 or statewide assessments, as provided in section
2 256.7, subsection 32. If funds are appropriated by
3 the general assembly, a school district shall provide
4 intensive reading instruction to any student who
5 exhibits a substantial deficiency in reading, based
6 upon the assessment, or through teacher observations.
7 The student's reading proficiency shall be>

8 50. Page 25, line 15, by striking ~~<A>~~ and inserting
9 <If funds are appropriated by the general assembly, a>

10 51. Page 25, by striking lines 21 and 22 and
11 inserting <deficiency, including>
12 52. Page 26, line 17, by striking <Provides> and
13 inserting <Provide>
14 53. Page 27, after line 14 by inserting:
15 <4. Ensuring continuous improvement in reading
16 proficiency.
17 a. To ensure all children are reading proficiently
18 by the end of third grade, each school district
19 shall address reading proficiency as part of its
20 comprehensive school improvement plan, drawing
21 upon information about children from assessments
22 conducted pursuant to subsection 1 and the prevalence
23 of deficiencies identified by classroom, elementary
24 school, and other student characteristics. As part
25 of its comprehensive school improvement plan, each
26 school district shall review chronic early elementary
27 absenteeism for its impact on literacy development. If
28 more than fifteen percent of an attendance center's
29 students are not proficient in reading by the end of
30 third grade, the comprehensive school improvement plan
31 shall include strategies to reduce that percentage,
32 including school and community strategies to raise the
33 percentage of students who are proficient in reading.
34 b. Each school district, subject to an
35 appropriation of funds by the general assembly, shall
36 provide professional development services to enhance
37 the skills of elementary teachers in responding to
38 children's unique reading issues and needs and to
39 increase the use of evidence-based strategies.
40 Sec. __. CROSS-AGENCY ASSESSMENT INSTRUMENT
41 PLANNING GROUP. The department of education and the
42 early childhood Iowa state board shall collaborate
43 to form a cross-agency planning group. Members of
44 the planning group shall include teachers and school
45 leaders, and representatives from the departments of
46 public health, human services, and education, the Iowa
47 early childhood state and area boards, the state board
48 of regents, applicable nonprofit groups, and experts in
49 early childhood assessment and educational assessment.
50 The planning group shall study and select one standard,

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1 multidomain assessment instrument for implementation
2 by all school districts for purposes of section
3 279.60, subsection 1. The instrument shall align with
4 agreed upon state and national curriculum standards.
5 The planning group shall study all costs associated
6 with implementing a universal assessment instrument.
7 The assessment instrument shall be administered at
8 least at the beginning and at the end of the school

9 year to measure student skills and academic growth.
 10 The planning group shall submit its findings and
 11 recommendations in a report to the general assembly by
 12 November 15, 2012.>

13 54. Page 27, before line 15 by inserting:
 14 <Sec. ____ REPEAL. Section 256D.9, Code 2011, is
 15 repealed.

16 Sec. ____ EFFECTIVE DATE. The section of this
 17 division of this Act that repeals section 256D.9 takes
 18 effect June 30, 2012.>

19 55. Page 27, line 19, after <2013,> by inserting
 20 <if funds are appropriated by the general assembly,>

21 56. Page 27, line 27, by striking <1, 2012> and
 22 inserting <1>

23 57. Page 27, line 28, by striking <1, 2012.> and
 24 inserting <1. A school district approved by the
 25 department need not reapply in order to participate in
 26 the pilot project in subsequent fiscal years.>

27 58. Page 28, line 7, by striking <seven> and
 28 inserting <two and three-quarter>

29 59. Page 28, by striking lines 10 through 14 and
 30 inserting <ending June 30 of the year preceding initial
 31 participation in the pilot project. The total number
 32 of students participating in>

33 60. Page 28, line 16, by striking <ten> and
 34 inserting <twenty>

35 61. Page 28, line 17, by striking <participating>
 36 and inserting <authorized to participate>

37 62. Page 28, line 24, by striking <July> and
 38 inserting <June>

39 63. Page 29, after line 19 by inserting:

40 <DIVISION ____
 41 CREATING OUTSTANDING INSTRUCTIONAL LEADERS
 42 PILOT PROGRAM

43 Sec. ____ NEW SECTION. 256.34 Creating outstanding
 44 instructional leaders pilot program.

45 1. If funds are appropriated by the general
 46 assembly, the department shall establish the creating
 47 outstanding instructional leaders pilot program to
 48 promote excellence in the teaching profession. The
 49 department shall distribute the funds appropriated in
 50 the following manner each fiscal year:

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1 a. The fifteen school districts in the state with
 2 the highest student population shall receive funds to
 3 provide for three peer coaching stipends in accordance
 4 with this section.

5 b. The thirty-five school districts in the state
 6 with the sixteenth through fiftieth highest student
 7 population shall receive funds to provide for two peer

8 coaching stipends in accordance with this section.
9 c. Any remaining funds shall be allocated to the
10 area education agencies in proportion to the number of
11 students in the school districts in the area education
12 agencies which did not receive funds pursuant to
13 paragraph "a" or "b". The funds shall be used to
14 provide for peer coaching stipends in accordance with
15 this section for such school districts. The area
16 education agencies shall establish an application
17 process for such districts seeking funds for peer
18 coaching stipends.

19 2. A school district receiving funds shall use such
20 funds to establish yearly peer coaching stipends for
21 teachers in the amount of eight thousand dollars. A
22 school district shall use the funds in the school year
23 in which they are received and shall only use the funds
24 for the purposes provided in this section. Stipends
25 shall be awarded by the board of directors in charge of
26 a school district and shall only be awarded to teachers
27 who volunteer for the program.

28 3. A teacher receiving a peer coaching stipend
29 shall, in lieu of the teacher's daily preparation
30 activities during the school day, engage in peer
31 coaching in accordance with this section. The board of
32 directors in charge of a school district shall assign
33 peer coaches to teachers in need of additional guidance
34 in one or more aspects of the teaching profession.
35 Assignments shall be based on either a request
36 from a principal or from an individual teacher upon
37 approval of a principal. A peer coach shall still be
38 responsible for completing daily preparation activities
39 outside of the school day.

40 4. Peer coaching shall include detailed preliminary
41 discussions as to areas in which the teacher being
42 coached desires to improve; formulation of an action
43 plan to bring about such improvement; in-class
44 supervision by the peer coach; postclass discussion of
45 strengths, weaknesses, and strategies for improvement;
46 dialogue between the peer coach and students and school
47 officials regarding the teacher being coached; and
48 documentation of progress of the peer coaching.

49 5. The department shall establish by rule
50 evaluation criteria for determining the success of

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1 the creating outstanding instructional leaders pilot
2 program and of individual peer coaches. Peer coaches
3 whom the department does not find effective shall not
4 be awarded a peer coaching stipend in succeeding years.

5 6. The department shall submit to the general
6 assembly by January 1, annually, a report on the

7 creating outstanding instructional leaders pilot
 8 program. The report shall include the number of
 9 peer coaching stipends awarded and to which school
 10 districts, identifiable outcomes of the program, and
 11 other pertinent information.
 12 7. This section is repealed June 30, 2015.>
 13 64. By striking page 29, line 20, through page 30,
 14 line 25.
 15 65. Title page, line 4, by striking <schools>
 16 and inserting <schools, and including effective date
 17 provisions>

HERMAN C. QUIRMBACH

S-5167

1 Amend House File 2337, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:

<DIVISION I

FY 2012 — 2013 APPROPRIATIONS

7 Section 1. 2011 Iowa Acts, chapter 130, section 48,
 8 is amended to read as follows:

9 SEC. 48. DEPARTMENT OF CULTURAL AFFAIRS. There
 10 is appropriated from the general fund of the state to
 11 the department of cultural affairs for the fiscal year
 12 beginning July 1, 2012, and ending June 30, 2013, the
 13 following amounts, or so much thereof as is necessary,
 14 to be used for the purposes designated:

1. ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-time
 18 equivalent positions for the department:

19	\$	85,007
20		<u>171,813</u>
21	FTEs	74.50

22 The department of cultural affairs shall coordinate
 23 activities with the tourism office of the ~~department of~~
 24 economic development authority to promote attendance
 25 at the state historical building and at this state's
 26 historic sites.

27 Full-time equivalent positions authorized under
 28 this subsection shall be funded, in full or in part,
 29 using moneys appropriated under this subsection and
 30 subsections 3 through 7.

2. COMMUNITY CULTURAL GRANTS

32 For planning and programming for the community
 33 cultural grants program established under section
 34 303.3:

35	\$	86,045
36		<u>172,090</u>

37	3. HISTORICAL DIVISION		
38	For the support of the historical division:		
39	.....	\$	<u>1,383,851</u>
40			<u>2,767,701</u>
41	4. HISTORIC SITES		
42	For the administration and support of historic		
43	sites:		
44	.....	\$	<u>213,100</u>
45			<u>426,398</u>
46	5. ARTS DIVISION		
47	For the support of the arts division:		
48	.....	\$	<u>466,882</u>
49			<u>933,764</u>
50	6. IOWA GREAT PLACES		

Page 2

1	For the Iowa great places program established under		
2	section 303.3C:		
3	.....	\$	<u>75,000</u>
4			<u>150,000</u>
5	7. ARCHIVE IOWA GOVERNORS' RECORDS		
6	For archiving the records of Iowa governors:		
7	.....	\$	<u>32,967</u>
8			<u>65,933</u>
9	8. RECORDS CENTER RENT		
10	For payment of rent for the state records center:		
11	.....	\$	<u>113,622</u>
12			<u>227,243</u>
13	9. BATTLE FLAGS		
14	For continuation of the project recommended by the		
15	Iowa battle flag advisory committee to stabilize the		
16	condition of the battle flag collection:		
17	.....	\$	<u>30,000</u>
18			<u>60,000</u>
19	<u>10. FILM OFFICE</u>		
20	<u>For salaries, support, maintenance, miscellaneous</u>		
21	<u>purposes, and for not more than the following full-time</u>		
22	<u>equivalent positions:</u>		
23	.....	\$	<u>200,000</u>
24	.....	FTEs	<u>2.00</u>
25	<u>11. CULTURAL TRUST FUND</u>		
26	<u>For deposit in the Iowa cultural trust fund created</u>		
27	<u>in section 303A.4:</u>		
28	.....	\$	<u>200,000</u>
29	<u>The board of trustees of the Iowa cultural trust</u>		
30	<u>shall annually prepare a report for submission to the</u>		
31	<u>governor, the general assembly, and the legislative</u>		
32	<u>services agency regarding the activities, projects,</u>		
33	<u>and programs funded with moneys allocated under this</u>		
34	<u>subsection. This report shall be submitted each year</u>		
35	<u>by January 15.</u>		

36 Sec. 2. 2011 Iowa Acts, chapter 130, section 49, is
37 amended to read as follows:
38 SEC. 49. GOALS AND ACCOUNTABILITY — ECONOMIC
39 DEVELOPMENT.
40 1. For the fiscal year beginning July 1, 2012,
41 the goals for the ~~department of~~ economic development
42 authority shall be to expand and stimulate the state
43 economy, increase the wealth of Iowans, and increase
44 the population of the state.
45 2. To achieve the goals in subsection 1, the
46 ~~department of~~ economic development authority shall do
47 all of the following for the fiscal year beginning July
48 1, 2012:
49 a. Concentrate its efforts on programs and
50 activities that result in commercially viable products

Page 3

1 and services.
2 b. Adopt practices and services consistent with
3 free market, private sector philosophies.
4 c. Ensure economic growth and development
5 throughout the state.
6 d. Work with businesses and communities to
7 continually improve the economic development climate
8 along with the economic well-being and quality of life
9 for Iowans.
10 e. Coordinate with other state agencies to
11 ensure that they are attentive to the needs of an
12 entrepreneurial culture.
13 f. Establish a strong and aggressive marketing
14 image to showcase Iowa's workforce, existing industry,
15 and potential. A priority shall be placed on
16 recruiting new businesses, business expansion, and
17 retaining existing Iowa businesses. Emphasis shall be
18 placed on entrepreneurial development through helping
19 entrepreneurs secure capital, and developing networks
20 and a business climate conducive to entrepreneurs and
21 small businesses.
22 g. Encourage the development of communities and
23 quality of life to foster economic growth.
24 h. Prepare communities for future growth and
25 development through development, expansion, and
26 modernization of infrastructure.
27 i. Develop public-private partnerships with
28 Iowa businesses in the tourism industry, Iowa tour
29 groups, Iowa tourism organizations, and political
30 subdivisions in this state to assist in the development
31 of advertising efforts.
32 j. Develop, to the fullest extent possible,
33 cooperative efforts for advertising with contributions
34 from other sources.

35 Sec. 3. 2011 Iowa Acts, chapter 130, section 50,
36 subsections 1, 2, 4, 5, and 6, are amended to read as
37 follows:

38 1. APPROPRIATION

39 There is appropriated from the general fund of
40 the state to the ~~department of~~ economic development
41 authority for the fiscal year beginning July 1, 2012,
42 and ending June 30, 2013, the following amounts, or
43 so much thereof as is necessary, to be used for the
44 purposes designated in subsection 2, and for not more
45 than the following full-time equivalent positions:

46	\$	<u>4,801,712</u>
47		<u>9,783.424</u>
48	FTEs	149.00

49 2. DESIGNATED PURPOSES

50 a. For salaries, support, miscellaneous purposes,

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1 programs, and the maintenance of an administration
2 division, a business development division, and a
3 community development division.

4 b. The full-time equivalent positions authorized
5 under this section shall be funded, in whole or in
6 part, by the moneys appropriated under subsection 1 or
7 by other moneys received by the ~~department~~ authority,
8 including certain federal moneys.

9 c. For business development operations and
10 programs, ~~the film office~~, international trade, export
11 assistance, workforce recruitment, and the partner
12 state program.

13 d. For transfer to the strategic investment fund
14 created in section 15.313.

15 e. For community economic development programs,
16 tourism operations, community assistance, plans
17 for Iowa green corps and summer youth programs,
18 the mainstreet and rural mainstreet programs, the
19 school-to-career program, the community development
20 block grant, and housing and shelter-related programs.

21 f. For achieving the goals and accountability, and
22 fulfilling the requirements and duties required under
23 this Act.

24 4. FINANCIAL ASSISTANCE RESTRICTIONS

25 a. A business creating jobs through moneys
26 appropriated in this section shall be subject to
27 contract provisions requiring new and retained jobs to
28 be filled by individuals who are citizens of the United
29 States who reside within the United States or any
30 person authorized to work in the United States pursuant
31 to federal law, including legal resident aliens in the
32 United States.

33 b. Any vendor who receives moneys appropriated in

34 this section shall adhere to such contract provisions
 35 and provide periodic assurances as the state shall
 36 require that the jobs are filled solely by citizens of
 37 the United States who reside within the United States
 38 or any person authorized to work in the United States
 39 pursuant to federal law, including legal resident
 40 aliens in the United States.

41 c. A business that receives financial assistance
 42 from the ~~department~~ authority from moneys appropriated
 43 in this section shall only employ individuals legally
 44 authorized to work in this state. In addition to all
 45 other applicable penalties provided by current law, all
 46 or a portion of the assistance received by a business
 47 which is found to knowingly employ individuals not
 48 legally authorized to work in this state is subject to
 49 recapture by the ~~department~~ authority.

50 5. USES OF APPROPRIATIONS

Page 5

1 a. From the moneys appropriated in this section,
 2 the ~~department~~ authority may provide financial
 3 assistance in the form of a grant to a community
 4 economic development entity for conducting a local
 5 workforce recruitment effort designed to recruit former
 6 citizens of the state and former students at colleges
 7 and universities in the state to meet the needs of
 8 local employers.

9 b. From the moneys appropriated in this section,
 10 the ~~department~~ authority may provide financial
 11 assistance to early stage industry companies being
 12 established by women entrepreneurs.

13 c. From the moneys appropriated in this section,
 14 the ~~department~~ authority may provide financial
 15 assistance in the form of grants, loans, or forgivable
 16 loans for advanced research and commercialization
 17 projects involving value-added agriculture, advanced
 18 technology, or biotechnology.

19 d. The ~~department~~ authority shall not use any
 20 moneys appropriated in this section for purposes of
 21 providing financial assistance for the Iowa green
 22 streets pilot project or for any other program or
 23 project that involves the installation of geothermal
 24 systems for melting snow and ice from streets or
 25 sidewalks.

26 6. WORLD FOOD PRIZE

27 For allocating moneys for the world food prize and
 28 ~~notwithstanding in lieu of~~ the standing appropriation
 29 in section 15.368, subsection 1:

30	\$ 250,000
31	<u>750,000</u>

32 Sec. 4. 2011 Iowa Acts, chapter 130, section 50,

33 subsection 7, unnumbered paragraphs 1 and 2, are
 34 amended to read as follows:
 35 For allocation to the Iowa commission on volunteer
 36 service for the Iowa's promise and mentoring
 37 partnership programs, for transfer to the Iowa state
 38 commission grant program, and for not more than the
 39 following full-time equivalent positions:

40	\$	<u>89,067</u>
41		<u>178,133</u>
42	FTEs	7.00

43 Of the moneys appropriated in this subsection, the
 44 ~~department authority~~ shall allocate ~~\$37,500~~ \$75,000 for
 45 purposes of the Iowa state commission grant program and
 46 ~~\$51,567~~ \$103,133 for purposes of the Iowa's promise and
 47 mentoring partnership programs.

48 Sec. 5. 2011 Iowa Acts, chapter 130, section 51, is
 49 amended to read as follows:

50 SEC. 51. VISION IOWA PROGRAM — FTE

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1 AUTHORIZATION. For purposes of administrative duties
 2 associated with the vision Iowa program for the fiscal
 3 year beginning July 1, 2012, the ~~department of economic~~
 4 development authority is authorized an additional 2.25
 5 FTEs above those otherwise authorized in this division
 6 of this Act.

7 Sec. 6. 2011 Iowa Acts, chapter 130, section 52, is
 8 amended to read as follows:

9 SEC. 52. INSURANCE ECONOMIC DEVELOPMENT. From
 10 the moneys collected by the division of insurance
 11 in excess of the anticipated gross revenues under
 12 section 505.7, subsection 3, during the fiscal year
 13 beginning July 1, 2012, \$100,000 shall be transferred
 14 to the ~~department of economic development~~ authority
 15 for insurance economic development and international
 16 insurance economic development.

17 Sec. 7. 2011 Iowa Acts, chapter 130, section 53, is
 18 amended to read as follows:

19 SEC. 53. COMMUNITY DEVELOPMENT LOAN
 20 FUND. Notwithstanding section 15E.120, subsection
 21 5, there is appropriated from the Iowa community
 22 development loan fund all moneys available during the
 23 fiscal year beginning July 1, 2012, and ending June
 24 30, 2013, to the ~~department of economic development~~
 25 authority for purposes of the community development
 26 program.

27 Sec. 8. 2011 Iowa Acts, chapter 130, is amended by
 28 adding the following new section:

29 SEC. 53A. INCENTIVE FUND. There is appropriated
 30 from the general fund of the state to the economic
 31 development authority for the fiscal year beginning

32 July 1, 2012, and ending June 30, 2013, the following
 33 amount to be used for the purposes of incentives and
 34 assistance to create high quality jobs and pursuant to
 35 chapter 15:
 36 \$ 20,000,000
 37 Notwithstanding section 8.33, moneys appropriated in
 38 this section that remain unencumbered or unobligated
 39 at the close of the fiscal year shall not revert but
 40 shall remain available for expenditure for the purposes
 41 designated until the close of the succeeding fiscal
 42 year.
 43 Sec. 9. 2011 Iowa Acts, chapter 130, is amended by
 44 adding the following new section:
 45 SEC. 53B. MAIN STREET. There is appropriated
 46 from the general fund of the state to the economic
 47 development authority for the fiscal year beginning
 48 July 1, 2012, and ending June 30, 2013, the following
 49 amount to be used for the purposes of the United
 50 States department of housing and urban development's

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1 main street challenge grants for historic building
 2 preservation:
 3 \$ 100,000
 4 Notwithstanding section 8.33, moneys appropriated in
 5 this section that remain unencumbered or unobligated
 6 at the close of the fiscal year shall not revert but
 7 shall remain available for expenditure for the purposes
 8 designated until the close of the succeeding fiscal
 9 year.
 10 Sec. 10. 2011 Iowa Acts, chapter 130, section 54,
 11 is amended to read as follows:
 12 SEC. 54. WORKFORCE DEVELOPMENT FUND. There is
 13 appropriated from the workforce development fund
 14 account created in section 15.342A to the workforce
 15 development fund created in section 15.343 for the
 16 fiscal year beginning July 1, 2012, and ending June
 17 30, 2013, the following amount, for purposes of the
 18 workforce development fund:
 19 \$ 2,000,000
 20 4,000,000
 21 Sec. 11. 2011 Iowa Acts, chapter 130, section 55,
 22 is amended to read as follows:
 23 SEC. 55. WORKFORCE DEVELOPMENT ADMINISTRATION.
 24 From moneys appropriated or transferred to or receipts
 25 credited to the workforce development fund created in
 26 section 15.343, up to \$400,000 for the fiscal year
 27 beginning July 1, 2012, and ending June 30, 2013, are
 28 appropriated to the ~~department of~~ economic development
 29 authority for the administration of workforce
 30 development activities including salaries, support,

31 maintenance, and miscellaneous purposes, and for not
 32 more than the following full-time equivalent positions:
 33 FTEs 4.00
 34 Sec. 12. 2011 Iowa Acts, chapter 130, section 57,
 35 is amended to read as follows:
 36 SEC. 57. IOWA STATE UNIVERSITY.
 37 1. There is appropriated from the general fund
 38 of the state to Iowa state university of science
 39 and technology for the fiscal year beginning July
 40 1, 2012, and ending June 30, 2013, the following
 41 amount, or so much thereof as is necessary, to be used
 42 for small business development centers, the science
 43 and technology research park, and the institute for
 44 physical research and technology, and for not more than
 45 the following full-time equivalent positions:
 46 \$ 1,212,151
 47 2,424,302
 48 FTEs 56.63
 49 2. Of the moneys appropriated in subsection 1,
 50 Iowa state university of science and technology shall

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1 allocate at least ~~\$468,178~~ \$936,345 for purposes of
 2 funding small business development centers. Iowa state
 3 university of science and technology may allocate
 4 moneys appropriated in subsection 1 to the various
 5 small business development centers in any manner
 6 necessary to achieve the purposes of this subsection.
 7 3. Iowa state university of science and technology
 8 shall do all of the following:
 9 a. Direct expenditures for research toward projects
 10 that will provide economic stimulus for Iowa.
 11 b. Provide emphasis to providing services to
 12 Iowa-based companies.
 13 4. It is the intent of the general assembly
 14 that the industrial incentive program focus on Iowa
 15 industrial sectors and seek contributions and in-kind
 16 donations from businesses, industrial foundations, and
 17 trade associations, and that moneys for the institute
 18 for physical research and technology industrial
 19 incentive program shall be allocated only for projects
 20 which are matched by private sector moneys for directed
 21 contract research or for nondirected research. The
 22 match required of small businesses as defined in
 23 section 15.102, subsection ~~6~~ 10, for directed contract
 24 research or for nondirected research shall be \$1 for
 25 each \$3 of state funds. The match required for other
 26 businesses for directed contract research or for
 27 nondirected research shall be \$1 for each \$1 of state
 28 funds. The match required of industrial foundations
 29 or trade associations shall be \$1 for each \$1 of state

30 funds.
 31 Iowa state university of science and technology
 32 shall report annually to the joint appropriations
 33 subcommittee on economic development and the
 34 legislative services agency the total amount of
 35 private contributions, the proportion of contributions
 36 from small businesses and other businesses, and
 37 the proportion for directed contract research and
 38 nondirected research of benefit to Iowa businesses and
 39 industrial sectors.

40 5. Notwithstanding section 8.33, moneys
 41 appropriated in this section that remain unencumbered
 42 or unobligated at the close of the fiscal year shall
 43 not revert but shall remain available for expenditure
 44 for the purposes designated until the close of the
 45 succeeding fiscal year.

46 Sec. 13. 2011 Iowa Acts, chapter 130, section 58,
 47 is amended to read as follows:

48 SEC. 58. UNIVERSITY OF IOWA.

49 1. There is appropriated from the general fund
 50 of the state to the state university of Iowa for the

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1 fiscal year beginning July 1, 2012, and ending June
 2 30, 2013, the following amount, or so much thereof
 3 as is necessary, to be used for the state university
 4 of Iowa research park and for the advanced drug
 5 development program at the Oakdale research park,
 6 including salaries, support, maintenance, equipment,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:

9	\$	<u>104,640</u>
10		<u>209,279</u>
11	FTEs	6.00

12 2. The state university of Iowa shall do all of the
 13 following:

- 14 a. Direct expenditures for research toward projects
- 15 that will provide economic stimulus for Iowa.
- 16 b. Provide emphasis to providing services to
- 17 Iowa-based companies.

18 3. Notwithstanding section 8.33, moneys
 19 appropriated in this section that remain unencumbered
 20 or unobligated at the close of the fiscal year shall
 21 not revert but shall remain available for expenditure
 22 for the purposes designated until the close of the
 23 succeeding fiscal year.

24 Sec. 14. 2011 Iowa Acts, chapter 130, section 59,
 25 is amended to read as follows:

26 SEC. 59. UNIVERSITY OF NORTHERN IOWA.

27 1. There is appropriated from the general fund of
 28 the state to the university of northern Iowa for the

29 fiscal year beginning July 1, 2012, and ending June 30,
 30 2013, the following amount, or so much thereof as is
 31 necessary, to be used for the metal casting institute,
 32 the MyEntreNet internet application, and the institute
 33 of decision making, including salaries, support,
 34 maintenance, miscellaneous purposes, and for not more
 35 than the following full-time equivalent positions:

36	\$	<u>287,358</u>
37		<u>718,716</u>
38	FTEs	6.75

39 2. Of the moneys appropriated pursuant to
 40 subsection 1, the university of northern Iowa shall
 41 allocate at least ~~\$58,820~~ \$261,639 for purposes of
 42 support of entrepreneurs and small and micro businesses
 43 through the university's regional business center.

44 3. The university of northern Iowa shall do all of
 45 the following:

46 a. Direct expenditures for research toward projects
 47 that will provide economic stimulus for Iowa.

48 b. Provide emphasis to providing services to
 49 Iowa-based companies.

50 4. Notwithstanding section 8.33, moneys

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1 appropriated in this section that remain unencumbered
 2 or unobligated at the close of the fiscal year shall
 3 not revert but shall remain available for expenditure
 4 for the purposes designated until the close of the
 5 succeeding fiscal year.

6 Sec. 15. 2011 Iowa Acts, chapter 130, is amended by
 7 adding the following new section:

8 SEC. 60A. REGENTS INNOVATION FUND.

9 1. There is appropriated from the general fund
 10 of the state to the institutions of higher learning
 11 under the control of the state board of regents for the
 12 fiscal year beginning July 1, 2012, and ending June 30,
 13 2013, the following amount to be used for the purposes
 14 provided in this section:

15	\$	3,800,000
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16 Of the moneys appropriated pursuant to this section,
 17 thirty-five percent shall be allocated for Iowa state
 18 university, thirty-five percent shall be allocated
 19 for university of Iowa, and thirty percent shall be
 20 allocated for university of northern Iowa.

21 2. The institutions shall use moneys appropriated
 22 in this section for capacity building infrastructure
 23 in areas related to technology commercialization,
 24 marketing and business development efforts in
 25 areas related to technology commercialization,
 26 entrepreneurship, and business growth, and
 27 infrastructure projects and programs needed to assist

28 in the implementation of activities under chapter 262B.

29 3. The institutions shall provide a one-to-one
30 match of additional moneys for the activities funded
31 with moneys appropriated under this section.

32 4. The state board of regents shall annually
33 prepare a report for submission to the governor, the
34 general assembly, and the legislative services agency
35 regarding the activities, projects, and programs
36 funded with moneys allocated under this section. The
37 report shall be provided in an electronic format and
38 shall include a list of metrics and criteria mutually
39 agreed to in advance by the board of regents and
40 the economic development authority. The metrics and
41 criteria shall allow the governor's office and the
42 general assembly to quantify and evaluate the progress
43 of the board of regents institutions with regard to
44 their activities, projects, and programs in the areas
45 of technology commercialization, entrepreneurship,
46 regional development, and market research.

47 Sec. 16. 2011 Iowa Acts, chapter 130, section 67,
48 subsection 1, is amended to read as follows:

49 1. There is appropriated from the general fund
50 of the state to the Iowa finance authority for the

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1 fiscal year beginning July 1, 2012, and ending June 30,
2 2013, the following amount, or so much thereof as is
3 necessary, to be used to provide reimbursement for rent
4 expenses to eligible persons under the rent subsidy
5 program:

6 \$ 329,000
7 658,000

8 Sec. 17. 2011 Iowa Acts, chapter 130, section 69,
9 is amended to read as follows:

10 SEC. 69. PUBLIC EMPLOYMENT RELATIONS BOARD.

11 1. There is appropriated from the general fund of
12 the state to the public employment relations board for
13 the fiscal year beginning July 1, 2012, and ending June
14 30, 2013, the following amount, or so much thereof as
15 is necessary, for the purposes designated:

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:
19 \$ 528,936
20 1,148,426
21 FTEs 10.00

22 2. Of the moneys appropriated in this section,
23 the board shall allocate \$15,000 for maintaining a
24 website that allows searchable access to a database of
25 collective bargaining information.

27 FY 2012 — 2013 WORKFORCE DEVELOPMENT APPROPRIATIONS

28 Sec. 18. LEGISLATIVE FINDINGS. It is the finding
 29 of the general assembly that the recent Iowa supreme
 30 court decision of Homan v. Branstad, No. 11-2022,
 31 March 16, 2012, has invalidated the proper enactment
 32 of certain provisions contained in the 2011 Iowa Acts,
 33 chapter 130 (Senate File 517). It is the intent of
 34 the general assembly to reenact, as amended, certain
 35 invalidated provisions of Senate File 517 that were
 36 published in the 2011 Iowa Acts and to validate actions
 37 entered into in reliance on the enactment of the
 38 invalidated provisions published in the 2011 Iowa Acts.

39 Sec. 19. DEPARTMENT OF WORKFORCE
 40 DEVELOPMENT. There is appropriated from the general
 41 fund of the state to the department of workforce
 42 development for the fiscal year beginning July 1, 2012,
 43 and ending June 30, 2013, the following amounts, or
 44 so much thereof as is necessary, for the purposes
 45 designated:

46 1. DIVISION OF LABOR SERVICES

47 a. For the division of labor services, including
 48 salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-time
 50 equivalent positions:

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1 \$	3,548,440
2 FTEs	65.00
3	b. From the contractor registration fees, the	
4	division of labor services shall reimburse the	
5	department of inspections and appeals for all costs	
6	associated with hearings under chapter 91C, relating	
7	to contractor registration.	
8	c. Of the moneys appropriated under this	
9	subsection, the department shall allocate \$53,000 for	
10	the purpose of employing an additional investigator to	
11	investigate wage enforcement.	
12	2. DIVISION OF WORKERS' COMPENSATION	
13	a. For the division of workers' compensation,	
14	including salaries, support, maintenance, miscellaneous	
15	purposes, and for not more than the following full-time	
16	equivalent positions:	
17	..... \$	3,102,044
18	..... FTEs	31.00
19	b. The division of workers' compensation shall	
20	charge a \$100 filing fee for workers' compensation	
21	cases. The filing fee shall be paid by the petitioner	
22	of a claim. However, the fee can be taxed as a cost	
23	and paid by the losing party, except in cases where	
24	it would impose an undue hardship or be unjust under	
25	the circumstances. The moneys generated by the filing	

26 fee allowed under this subsection are appropriated to
27 the department of workforce development to be used for
28 purposes of administering the division of workers'
29 compensation.

30 c. Of the moneys appropriated under this
31 subsection, the department shall allocate \$153,000 for
32 the purpose of employing a chief deputy commissioner.

33 3. WORKFORCE DEVELOPMENT OPERATIONS

34 a. For the operation of field offices, the
35 workforce development board, and for not more than the
36 following full-time equivalent positions:

37	\$	9,671,352
38	FTEs	130.00

39 b. Of the moneys appropriated in paragraph "a" of
40 this subsection, the department shall allocate at least
41 \$1,130,602 for the operation of satellite field offices
42 in Decorah, Fort Madison, Iowa City, and Webster City,
43 and of the moneys appropriated in paragraph "a" of this
44 subsection, the department shall allocate \$150,000
45 to the state library for the purpose of licensing an
46 online resource which prepares persons to succeed in
47 the workplace through programs which improve job skills
48 and vocational test-taking abilities.

49 c. Of the moneys appropriated in paragraph "a" of
50 this subsection the department shall not allocate more

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1 than \$208,294 for the purpose of the administration
2 cost pool.

3 4. OFFENDER REENTRY PROGRAM

4 a. For the development and administration of an
5 offender reentry program to provide offenders with
6 employment skills, and for not more than the following
7 full-time equivalent positions:

8	\$	284,464
9	FTEs	4.00

10 b. The department shall partner with the department
11 of corrections to provide staff within the correctional
12 facilities to improve offenders' abilities to find and
13 retain productive employment.

14 5. NONREVERSION

15 Notwithstanding section 8.33, moneys appropriated in
16 this section that remain unencumbered or unobligated
17 at the close of the fiscal year shall not revert but
18 shall remain available for expenditure for the purposes
19 designated until the close of the succeeding fiscal
20 year.

21 Sec. 20. EMPLOYMENT SECURITY CONTINGENCY FUND.

22 1. There is appropriated from the special
23 employment security contingency fund to the department
24 of workforce development for the fiscal year beginning

25 July 1, 2012, and ending June 30, 2013, the following
 26 amount, or so much thereof as is necessary, to be used
 27 for field offices:
 28 \$ 1,217,084
 29 2. There is appropriated from the special
 30 employment security contingency fund to the division of
 31 workers' compensation of the department of workforce
 32 development for the fiscal year beginning July 1, 2012,
 33 and ending June 30, 2013, the following amount or so
 34 much thereof as is necessary, to be used for hiring
 35 and compensating a deputy commissioner of workers'
 36 compensation.
 37 \$ 160,000
 38 3. There is appropriated from the special
 39 employment security contingency to the department of
 40 workforce development for the fiscal year beginning
 41 July 1, 2012, and ending June 30, 2013, the following
 42 amount, or so much thereof as is necessary, to be used
 43 for the reopening of satellite field offices in Ames,
 44 Atlantic, Denison, and Newton:
 45 \$ 1,200,000
 46 4. Any remaining additional penalty and interest
 47 revenue collected by the department of workforce
 48 development is appropriated to the department for the
 49 fiscal year beginning July 1, 2012, and ending June 30,
 50 2013, to accomplish the mission of the department.

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1 Sec. 21. UNEMPLOYMENT COMPENSATION RESERVE FUND
 2 — FIELD OFFICES. Notwithstanding section 96.9,
 3 subsection 8, paragraph "e", there is appropriated
 4 from interest earned on the unemployment compensation
 5 reserve fund to the department of workforce development
 6 for the fiscal year beginning July 1, 2012, and ending
 7 June 30, 2013, the following amount or so much thereof
 8 as is necessary, for the purposes designated:
 9 For the operation of field offices:
 10 \$ 633,000
 11 Sec. 22. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
 12 PROGRAM. There is appropriated from the general fund
 13 of the state to the department of workforce development
 14 for the fiscal year beginning July 1, 2012, and
 15 ending June 30, 2013, the following amount, or so much
 16 thereof as is necessary, to be used for the purposes
 17 designated:
 18 For enhancing efforts to investigate employers that
 19 misclassify workers and for not more than the following
 20 full-time equivalent positions:
 21 \$ 451,458
 22 FTEs 8.10
 23 Sec. 23. VIRTUAL ACCESS WORKFORCE DEVELOPMENT

24 OFFICES. The department of workforce development shall
25 require a unique identification login for all users
26 of workforce development centers operated through
27 electronic means.

28 DIVISION III

29 MISCELLANEOUS PROVISIONS

30 Sec. 24. 2010 Iowa Acts, chapter 1184, section 26,
31 as amended by 2011 Iowa Acts, chapter 131, section 105,
32 is amended to read as follows:

33 SEC. 26. There is appropriated from the rebuild
34 Iowa infrastructure fund to the department of economic
35 development for deposit in the grow Iowa values fund,
36 for the fiscal year beginning July 1, 2010, and ending
37 June 30, 2011, the following amount, notwithstanding
38 section 8.57, subsection 6, paragraph "c":

39 \$ 38,000,000

40 Of the moneys appropriated in this section, from
41 the amount allocated to the department of economic
42 development in accordance with 2010 Iowa Acts, chapter
43 1184, section 28, subsection 1, ~~\$1,200,000~~ \$1,417,219
44 shall be used for the department's Iowans helping
45 Iowans business assistance program. Notwithstanding
46 section 8.33, moneys designated pursuant to this
47 unnumbered paragraph that remain unencumbered or
48 unobligated at the close of the fiscal year shall not
49 revert but shall remain available for expenditure
50 for the purposes designated until the close of the

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1 succeeding fiscal year.
2 Sec. 25. Section 15G.111, subsection 2, paragraph
3 b, subparagraph (1), Code Supplement 2011, is amended
4 by striking the subparagraph and inserting in lieu
5 thereof the following:
6 (1) For the fiscal year beginning July 1, 2011,
7 and ending June 30, 2012, the authority shall allocate
8 three hundred fifty thousand dollars for purposes of
9 providing financial assistance to Iowa's councils of
10 governments. Notwithstanding section 8.33, moneys
11 allocated pursuant to this subparagraph that remain
12 unencumbered or unobligated at the close of the fiscal
13 year shall not revert to the fund from which allocated
14 at the close of the fiscal year but shall remain
15 available for expenditure for the purposes designated
16 until the close of the succeeding fiscal year.
17 Sec. 26. Section 123.183, subsection 2, paragraph
18 b, subparagraph (2), subparagraph division (a), Code
19 Supplement 2011, is amended to read as follows:
20 (a) To the midwest grape and wine industry
21 institute at Iowa state university of science and
22 technology, ~~one hundred twenty~~ two hundred fifty

23 thousand dollars.

24 Sec. 27. Section 303.1, subsection 4, Code 2011, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. Film office.

27 Sec. 28. NEW SECTION. 303.95 Film office.

28 The department shall establish and administer a film
29 office. The purpose of the film office is to assist
30 legitimate film, television, and video producers in the
31 production of film, television, and video projects in
32 the state and to create a positive fiscal impact on the
33 state's economy through such projects.

34 Sec. 29. TRANSITIONAL PROVISIONS — EMERGENCY
35 ADMINISTRATIVE RULEMAKING. The department of cultural
36 affairs may adopt emergency rules under section
37 17A.4, subsection 3, and section 17A.5, subsection 2,
38 paragraph “b”, to implement the provisions of this Act
39 relating to a film office in the department of cultural
40 affairs, and the rules shall be effective January 1,
41 2013, unless a later date is specified in the rules.
42 Any rules adopted in accordance with this section shall
43 also be published as a notice of intended action as
44 provided in section 17A.4.

45 Sec. 30. EFFECTIVE UPON ENACTMENT. The following
46 provision or provisions of this division of this Act,
47 being deemed of immediate importance, take effect upon
48 enactment:

49 1. The section of this division of this Act
50 amending 2010 Iowa Acts, chapter 1184, section 26.

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1 2. The section of this division of this Act
2 amending section 15G.111.

3 3. The section of this division of this Act
4 providing for emergency rulemaking.>

5 2. Title page, line 6, by striking <and
6 retroactive>

7 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5168

1 Amend Senate File 2284 as follows:

2 1. Page 7, after line 12 by inserting:

3 <Sec. ____ Section 284.6, subsection 5, Code

4 Supplement 2011, is amended to read as follows:

5 5. The teacher's evaluator shall annually meet with
6 the teacher to review progress in meeting the goals
7 in the teacher's individual plan. The teacher shall
8 present to the evaluator evidence of progress. The
9 purpose of the meeting shall be to review the teacher's

- 10 progress in meeting professional development goals in
 11 the plan and to review collaborative work with other
 12 staff on student achievement goals and to modify as
 13 necessary the teacher's individual plan to reflect
 14 the individual teacher's and the school district's
 15 needs and the individual's progress in meeting the
 16 goals in the plan. The teacher's supervisor and the
 17 evaluator shall review, modify, or accept modifications
 18 made to the teacher's individual plan. However, if
 19 the teacher's supervisor and the evaluator determine
 20 that the teacher is not making sufficient progress in
 21 meeting the goals in the plan, the evaluator shall
 22 conduct a summative performance review of the teacher's
 23 performance as described in section 284.8, subsection
 24 1.>
 25 2. Page 8, line 9, after <review> by inserting <in
 26 each first year and second year shall be conducted
 27 in accordance with section 284.6, subsection 5. The
 28 summative performance review in each third year, or as
 29 required pursuant to section 284.6, subsection 5.>
 30 3. Page 8, by striking lines 15 through 28 and
 31 inserting <teachers.>
 32 4. By renumbering as necessary.

TOD R. BOWMAN

S-5169

- 1 Amend the amendment, S-5166, to Senate File 2284 as
 2 follows:
 3 1. Page 2, by striking lines 20 through 22.
 4 2. Page 6, by striking lines 6 through 9.
 5 3. Page 6, by striking line 10 and inserting:
 6 <2. A student shall not receive more>
 7 4. Page 6, line 17, by striking <4.> and inserting
 8 3.>
 9 5. Page 6, by striking lines 23 and 24 and
 10 inserting:
 11 <NEW SUBPARAGRAPH. (8) A student who receives>
 12 6. Page 6, line 27, by striking <pupil> and
 13 inserting <pupil, unless the student's online learning
 14 has been determined by the school district to be
 15 necessary and appropriate pursuant to section 256.24A,
 16 subsection 2, in which case the student shall be
 17 assigned a weighting of one>
 18 7. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5170

HOUSE AMENDMENT TO
SENATE FILE 451

1 Amend Senate File 451, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 257.41, Code 2011, is amended
6 to read as follows:

7 257.41 Funding for programs for returning dropouts
8 and dropout prevention.

9 1. Budget. The budget of an approved program for
10 returning dropouts and dropout prevention for a school
11 district, after subtracting funds received from other
12 sources for that purpose, shall be funded annually on
13 a basis of one-fourth or more from the district cost
14 of the school district and up to three-fourths by an
15 increase in allowable growth as defined in section
16 257.8. Annually, the department of management shall
17 establish a modified allowable growth for each such
18 school district equal to the difference between the
19 approved budget for the program for returning dropouts
20 and dropout prevention for that district and the sum of
21 the amount funded from the district cost of the school
22 district plus funds received from other sources.

23 2. Appropriate uses of funding. Appropriate uses of
24 the returning dropout and dropout prevention program
25 funding include but are not limited to the following:

26 a. Salary and benefits for instructional staff,
27 instructional support staff, and school-based youth
28 services staff who are working with students who
29 are participating in dropout prevention programs,
30 alternative programs, and alternative schools, in
31 a traditional or alternative setting, if the staff
32 person's time is dedicated to working with returning
33 dropouts or students who are deemed, at any time
34 during the school year, to be at risk of dropping out,
35 in order to provide services beyond those which are
36 provided by the school district to students who are
37 not identified as at risk of dropping out. However,
38 if the staff person works part-time with students who
39 are participating in returning dropout and dropout
40 prevention programs, alternative programs, and
41 alternative schools and has another unrelated staff
42 assignment, only the portion of the staff person's
43 time that is related to the returning dropout and
44 dropout prevention program, alternative program, or
45 alternative school may be charged to the program. For
46 purposes of this paragraph, if an alternative setting
47 is necessary to provide for a program which is offered

48 at a location off school grounds and which is intended
49 to serve student needs by improving relationships
50 and connections to school, decreasing truancy and

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1 tardiness, providing opportunities for course credit
2 recovery, or helping students identified as at risk
3 of dropping out to accelerate through multiple grade
4 levels of achievement within a shortened time frame.
5 the tuition costs for a student identified as at risk
6 of dropping out shall be considered an appropriate use
7 of the returning dropout and dropout prevention program
8 funding.

9 b. Professional development for all teachers and
10 staff working with at-risk students and programs
11 involving dropout prevention strategies.

12 c. Research-based resources, materials, software,
13 supplies, and purchased services that meet all of the
14 following criteria:

15 (1) Meets the needs of kindergarten through grade
16 twelve students identified as at risk of dropping out
17 and of returning dropouts.

18 (2) Are beyond those provided by the regular school
19 program.

20 (3) Are necessary to provide the services listed in
21 the school district's dropout prevention plan.

22 (4) Will remain with the kindergarten through
23 grade twelve returning dropout and dropout prevention
24 program.

25 d. Up to five percent of the total budgeted amount
26 received pursuant to subsection 1 may be used for
27 purposes of providing district-wide or building-wide
28 returning dropout and dropout prevention programming
29 targeted to students who are not deemed at risk of
30 dropping out.

31 3. Limitation. For the fiscal year beginning July
32 1, 2013, and each succeeding fiscal year, the ratio of
33 the amount of modified allowable growth established by
34 the department of management compared to the school
35 district's total regular program district cost shall
36 not exceed two and one-half percent. However, if the
37 school district's highest such ratio so determined for
38 any fiscal year beginning on or after July 1, 2009, but
39 before July 1, 2013, exceeded two and one-half percent,
40 the ratio may exceed two and one-half percent but shall
41 not exceed the highest such ratio established during
42 that period.

43 Sec. 2. APPLICABILITY.

44 1. Notwithstanding section 257.38, subsection 1,
45 section 257.40, subsection 1, or any other provision of
46 law to the contrary, the section of this Act enacting

47 section 257.41, subsection 2, is applicable to budget
 48 years beginning on or after July 1, 2012, for purposes
 49 of the appropriate uses of funding for returning
 50 dropout and dropout prevention program plans approved

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1 for budget years beginning on or after July 1, 2012.
 2 2. The section of this Act enacting section 257.41,
 3 subsection 3, is applicable to budget years beginning
 4 on or after July 1, 2013.>
 5 2. Title page, line 3, after <prevention> by
 6 inserting <and including applicability provisions>

S-5171

HOUSE AMENDMENT TO SENATE FILE 2112

1 Amend Senate File 2112, as passed by the Senate, as
 2 follows:

3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 321.30, subsection 2, Code
 5 2011, is amended to read as follows:
 6 2. a. Unless otherwise provided for in this
 7 chapter, the department or the county treasurer shall
 8 refuse registration and issuance of a certificate of
 9 title unless the vehicle bears a manufacturer's label
 10 pursuant to 49 C.F.R. pt. 567 certifying that the
 11 vehicle meets federal motor vehicle safety standards.
 12 b. A military vehicle, other than a vehicle that
 13 runs on continuous tracks or wheels and tracks, that
 14 was originally manufactured for and sold directly to
 15 the armed forces of the United States in conformity
 16 with contractual specifications, as provided in
 17 49 C.F.R. § 571.7, may be registered and issued a
 18 certificate of title if the owner provides satisfactory
 19 evidence to the department that the vehicle is
 20 substantially in compliance with federal motor vehicle
 21 safety standards. The department may adopt rules as
 22 necessary concerning the registration and titling of
 23 military vehicles in accordance with this chapter.>

24 2. Page 2, after line 4 by inserting:
 25 <Sec. ____ VETERAN IDENTIFICATION —
 26 ALLOCATION. Notwithstanding section 35A.11, the
 27 commission of veterans affairs may allocate up to
 28 fifty thousand dollars from the veterans license fee
 29 fund created in section 35A.11 to the department of
 30 transportation for the fiscal year beginning July 1,
 31 2012, and ending June 30, 2013, or so much thereof as
 32 is necessary, to be used for the implementation of this
 33 Act. Any moneys allocated pursuant to this section

34 that remain unencumbered or unobligated at the close of
 35 the fiscal year shall revert to the veterans license
 36 fee fund created in section 35A.11.>

37 3. Title page, line 1, after <Act> by inserting
 38 <relating to transportation, including by providing for
 39 the registration and titling of military vehicles and>

40 4. Title page, line 3, after <status> by inserting
 41 <and allowing the commission of veterans affairs to
 42 allocate certain funds>

43 5. By renumbering as necessary.

S-5172

1 Amend Senate File 2284 as follows:

2 1. Page 6, after line 7 by inserting:

3 <Sec. ____ Section 279.13, Code 2011, is amended by
 4 adding the following new subsection:

5 NEW SUBSECTION. 6. Notwithstanding the other
 6 provisions of this section and any contrary provision
 7 of the Code, if the board of directors of a school
 8 district or charter school institutes, by majority vote
 9 of the membership of the board, a reduction in force, a
 10 decision by the board not to renew a teacher contract
 11 shall be based upon the following:

12 a. The teacher's effectiveness as demonstrated in
 13 evaluations conducted under the teacher evaluation plan
 14 adopted pursuant to section 284.4, and the teacher's
 15 performance review conducted pursuant to section 284.8.
 16 The teacher's effectiveness shall be the predominant
 17 consideration of the board.

18 b. The teacher's licensure and endorsements and the
 19 needs of the school district or school, and the needs
 20 of the students.

21 c. The teacher's hiring date may be taken into
 22 consideration only if the bases existing under
 23 paragraphs "a" and "b" are substantially equal to the
 24 bases existing under paragraphs "a" and "b" for another
 25 teacher.>

26 2. By renumbering as necessary.

PAT WARD

S-5173

1 Amend Senate File 2284 as follows:

2 1. Page 19, line 4, by striking <STATE BOARD OF
 3 REGENTS> and inserting <STATE POSTSECONDARY>

4 2. Page 19, after line 4 by inserting:

5 <Sec. ____ Section 260C.14, subsection 2, Code
 6 2011, is amended to read as follows:

7 2. Have authority to determine tuition rates for
 8 instruction. Tuition for residents of Iowa shall

9 not exceed the lowest tuition rate per semester, or
10 the equivalent, charged by an institution of higher
11 education under the state board of regents for a
12 full-time resident student. However, except for
13 students enrolled under section 261E.6, if a local
14 school district pays tuition for a resident pupil
15 of high school age, the limitation on tuition for
16 residents of Iowa shall not apply, the amount of
17 tuition shall be determined by the board of directors
18 of the community college with the consent of the local
19 school board, and the pupil shall not be included in
20 the full-time equivalent enrollment of the community
21 college for the purpose of computing general aid
22 to the community college. Tuition for nonresidents
23 of Iowa shall not be less than the marginal cost of
24 instruction of a student attending the college. A
25 lower tuition for nonresidents may be permitted under
26 a reciprocal tuition agreement between a merged area
27 and an educational institution in another state, if
28 the agreement is approved by the director. The board
29 may designate that a portion of the tuition moneys
30 collected from nonresident students be used for student
31 aid purposes, but shall not designate that a portion
32 of the tuition moneys collected from resident students
33 be used for such purposes.
34 Sec. ____ Section 262.9, subsection 19, Code
35 Supplement 2011, is amended by adding the following new
36 paragraph:
37 NEW PARAGRAPH. c. Prohibit the designation
38 of a portion of the tuition moneys collected from
39 resident students by institutions of higher education
40 governed by the board for use for student aid purposes.
41 However, such institutions may designate that a portion
42 of the tuition moneys collected from nonresident
43 students be used for such purposes.>
44 3. Page 22, after line 2 by inserting:
45 <Sec. ____ TUTION REDUCTION. A state
46 postsecondary institution which set aside a portion of
47 the tuition moneys collected from resident students for
48 student aid purposes in the fiscal year beginning July
49 1, 2011, shall reduce the tuition for resident students
50 by an equivalent amount for the fiscal year beginning

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1 July 1, 2012.>

2 4. By renumbering as necessary.

STEVE KETTERING

S-5174

- 1 Amend Senate File 2284 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. LEGISLATIVE INTENT. It is the intent
5 of the general assembly to develop a kindergarten
6 through grade twelve educational system which prepares
7 Iowa's youth to be productive citizens who are equipped
8 with the skills and knowledge to compete in the global
9 marketplace.
10 Sec. 2. COMMISSION ON ACADEMIC PREPARATION AND
11 CAREER EXPECTATIONS.
12 1. A commission on academic preparation and
13 career expectations is created to survey current
14 kindergarten through grade twelve educational systems
15 in Iowa and determine their ability to equip students
16 with the skills and knowledge to compete in the
17 global marketplace. The commission shall identify
18 discrepancies between the needs of Iowa employers and
19 the current educational system.
20 2. The commission shall be comprised of five
21 members who shall be appointed by the governor as
22 follows:
23 a. One employer from a company employing more than
24 500 people. The individual should have management
25 experience.
26 b. One employer from a company employing less than
27 100 people. The individual should have management
28 experience.
29 c. One representative from a community college.
30 d. One representative from an accredited
31 postsecondary institution offering baccalaureate degree
32 programs.
33 e. One person with a background in human resources.
34 3. The commission shall elect a chairperson from
35 among its members. Members are entitled to receive
36 a per diem as specified in section 7E.6 for each day
37 spent in performance of duties as members, and shall
38 be reimbursed for all actual and necessary expenses
39 incurred in the performance of duties as members of the
40 commission.
41 4. The commission shall gather sufficient
42 information to identify the components of a globally
43 competitive educational system that produces qualified,
44 employable graduates with requisite skills.
45 5. The commission may request from any state agency
46 or official information and assistance as needed. A
47 state agency or official shall furnish the information
48 or assistance requested within the authority and
49 resources of the state agency or official.
50 6. The commission may employ staff and consultants

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1 as necessary to assist the commission in carrying
2 out its duties as set forth in this section. The
3 legislative services agency may provide staffing
4 assistance to the commission.

5 7. The commission shall submit a final report to
6 the commission on educational standards by December
7 31, 2012, summarizing the commission's activities,
8 analyzing issues studied, making recommendations, and
9 including any other information that the commission
10 deems relevant and necessary.

11 Sec. 3. COMMISSION ON EDUCATIONAL STANDARDS.

12 1. A commission on educational standards is
13 created to develop a kindergarten through grade twelve
14 educational system that equips Iowa's youth with the
15 skills and knowledge to become productive citizens
16 capable of competing in the global marketplace.

17 2. The commission shall be comprised of the
18 following:

19 a. Seven voting members who shall be appointed by
20 the governor as follows:

21 (1) One professor with a doctorate degree who
22 is employed in the department of mathematics at an
23 accredited postsecondary institution.

24 (2) One professor with a doctorate degree who
25 is employed in a natural sciences department at an
26 accredited postsecondary institution.

27 (3) One professor with a doctorate degree who is
28 employed by a humanities department at an accredited
29 postsecondary institution.

30 (4) One individual who is an expert in early
31 childhood learning with experience in direct
32 instruction.

33 (5) Two individuals with human resources experience
34 in the private sector and knowledge of industry demands
35 in science, technology, engineering, and mathematics;
36 one of whom shall represent large businesses and one of
37 whom shall represent small businesses.

38 (6) One economist who has demonstrated experience
39 in kindergarten through grade twelve educational
40 systems.

41 b. Six ex officio, nonvoting members of the general
42 assembly who shall be appointed as follows:

43 (1) Two state senators, one appointed by the
44 president of the senate after consultation with the
45 majority leader of the senate and one appointed by the
46 minority leader of the senate from their respective
47 parties.

48 (2) Two state representatives, one appointed by
49 the speaker of the house of representatives and one
50 appointed by the minority leader of the house of

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1 representatives from their respective parties.

2 (3) One individual representing the Iowa state
3 education association who shall be appointed by the
4 association.

5 (4) One individual appointed by an organization
6 representing the professional educators of Iowa.

7 3. The commission shall elect a chairperson from
8 among its members. Public members appointed to the
9 commission by the governor pursuant to subsection
10 2, paragraph "a", are entitled to receive a per
11 diem as specified in section 7E.6 for each day spent
12 in performance of duties as members, and shall be
13 reimbursed for all actual and necessary expenses
14 incurred in the performance of duties as members of
15 the commission. Legislative members of the commission
16 are eligible for per diem and reimbursement of actual
17 expenses as provided in section 2.10.

18 4. The commission shall take into consideration
19 the findings and recommendations of the commission
20 on academic preparation and career expectations
21 and shall gather sufficient information to develop
22 educational standards for kindergarten through grade
23 twelve specifically designed to create an educational
24 system that includes practices that are proven to
25 increase student and school performance to meet global
26 standards; is focused on literacy, mathematics, and
27 science; and meets the requirements of subsection 1.

28 5. The commission may request from any state agency
29 or official information and assistance as needed. A
30 state agency or official shall furnish the information
31 or assistance requested within the authority and
32 resources of the state agency or official.

33 6. The commission may employ staff and consultants
34 as necessary to assist the commission in carrying
35 out its duties as set forth in this section. The
36 legislative services agency may provide staffing
37 assistance to the commission.

38 7. The commission shall complete its deliberations
39 in November 2013 and submit a final report to the
40 state board of education, the governor, and the
41 general assembly by November 30, 2013, summarizing the
42 commission's activities, analyzing issues studied,
43 making recommendations for legislative reforms, and
44 including any other information that the commission
45 deems relevant and necessary.

46 **Sec. 4. COMMISSION ON STUDENT ACHIEVEMENT AND**
47 **TEACHER ASSESSMENT AND ACCOUNTABILITY.**

48 1. A commission on student achievement and teacher
49 assessment and accountability is created. The
50 department of management shall collaborate with the

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1 commission in meeting the requirements of this section.
2 a. The commission shall identify performance
3 measures and shall design an educational system to
4 equip students with the skills and knowledge to compete
5 in the global marketplace.
6 b. The commission shall develop a teacher
7 assessment and accountability system based on student
8 achievement growth. The commission shall review
9 management systems that improve teacher and student
10 achievement outcomes, as well as incentive and
11 disincentive measures related to improving teacher and
12 student achievement outcomes.
13 2. The commission shall be comprised of seven
14 members who shall be appointed by the governor as
15 follows:
16 a. One employer from a company employing more than
17 500 people. The individual should have experience
18 evaluating productivity.
19 b. One employer from a company employing fewer than
20 100 people. The individual should have experience
21 evaluating productivity.
22 c. One individual representing teachers.
23 d. An industrial engineer with experience in
24 productivity measurement.
25 e. One economist who has demonstrated experience in
26 kindergarten through grade twelve educational systems.
27 f. One early childhood direct instruction
28 specialist.
29 g. One human resources expert familiar with
30 personnel management and effective employee incentive
31 programs.
32 3. The commission shall elect a chairperson from
33 among its members. Members appointed to the commission
34 by the governor pursuant to subsection 2, paragraph
35 "a", are entitled to receive a per diem as specified
36 in section 7E.6 for each day spent in performance
37 of duties as members, and shall be reimbursed for
38 all actual and necessary expenses incurred in the
39 performance of duties as members of the commission.
40 4. The department of management shall provide
41 staff and consultants as necessary to assist the
42 commission in carrying out its duties as set forth in
43 this section. The commission may employ staff and
44 consultants as necessary to assist the commission in
45 carrying out its duties as set forth in this section.
46 The legislative services agency may provide staffing
47 assistance to the commission.
48 5. The commission may request from any state agency
49 or official information and assistance as needed. A
50 state agency or official shall furnish the information

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1 or assistance requested within the authority and
 2 resources of the state agency or official.
 3 6. The commission shall complete its deliberations
 4 in November 2014 and submit a final report to the
 5 state board of education, the governor, and the
 6 general assembly by November 30, 2014, summarizing the
 7 commission's activities, analyzing issues studied,
 8 making recommendations for legislative reforms, and
 9 including any other information that the commission
 10 deems relevant and necessary.

11 Sec. 5. APPROPRIATION — LEGISLATIVE COUNCIL —
 12 LEGISLATIVE COMMISSION ON EDUCATIONAL STANDARDS. There
 13 is appropriated from the general fund of the state to
 14 the legislative council for each of the fiscal years
 15 during the fiscal period beginning July 1, 2012, and
 16 ending June 30, 2014, the following amount, or so much
 17 thereof as is necessary, to be used for the purposes
 18 designated:

19 For purposes of the commission on academic
 20 preparation and career expectations, the commission on
 21 educational standards, and the commission on student
 22 achievement and teacher assessment and accountability
 23 established pursuant to this Act:
 24 \$ 275,000
 25 FTEs 3.00>

26 2. Title page, by striking lines 1 through 4 and
 27 inserting <An Act establishing a commission on academic
 28 preparation and career expectations, a commission
 29 on educational standards, a commission on student
 30 achievement and teacher assessment and accountability,
 31 and making an appropriation.>

PAUL MCKINLEY

S-5175

1 Amend Senate File 2284 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:

4 <DIVISION I
 5 DEPARTMENT OF EDUCATION ASSESSMENTS AND ELIMINATION
 6 COMMISSION

7 Section 1. NEW SECTION. 256.28 Assessment of
 8 departmental effectiveness.

9 1. Five-year assessment.
 10 a. Using the fiscal year beginning July 1, 2012, as
 11 a base year, the department shall determine the annual
 12 progress made by the department by assessing increases
 13 in the following levels:

14 (1) The number of grade four students proficient

15 in reading, mathematics, and science, with a goal of
16 ninety percent proficiency.

17 (2) The number of grade eight students proficient
18 in reading, mathematics, and science, with a goal of
19 eighty-five percent proficiency.

20 (3) The number of grade eleven students proficient
21 in the following:

22 (a) Reading and mathematics, with a goal of eighty
23 percent proficiency.

24 (b) Science, with a goal of eighty-five percent
25 proficiency.

26 (4) The performance of Iowa students on the
27 national assessment for educational progress, with a
28 goal of placing Iowa in the top five states in the
29 nation for grades four, eight, and eleven in reading,
30 mathematics, and science.

31 (5) The number of students entering Iowa
32 postsecondary schools majoring in physical and
33 biological sciences, mathematics, and engineering.

34 (6) Negotiating agreements with the institutions of
35 higher education governed by the state board of regents
36 for the adoption of alternative certification programs
37 for teachers.

38 (7) Developing an action plan to fill critical
39 need teaching positions, including but not limited to
40 positions teaching science and mathematics.

41 b. The department shall submit its findings and
42 recommendations in a report to the general assembly by
43 November 1, 2017.

44 2. Ten-year assessment.

45 a. Using the fiscal year beginning July 1, 2017, as
46 a base year, the department shall determine the annual
47 progress made by the department by assessing increases
48 in the following levels:

49 (1) The number of grade four students proficient
50 in reading, mathematics, and science, with a goal of

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1 ninety percent proficiency.

2 (2) The number of grade eight students proficient
3 in reading, mathematics, and science, with a goal of
4 ninety percent proficiency.

5 (3) The number of grade eleven students proficient
6 in reading, mathematics, and science, with a goal of
7 ninety percent proficiency.

8 (4) The performance of Iowa students on the
9 national assessment for educational progress, with a
10 goal of placing Iowa in the top five states in the
11 nation for grades four, eight, and eleven in reading,
12 mathematics, and science.

13 (5) The number of students entering Iowa

14 postsecondary schools majoring in physical and
15 biological sciences, mathematics, and engineering.
16 (6) Negotiating agreements with the institutions of
17 higher education governed by the state board of regents
18 for the adoption of alternative certification programs
19 for teachers.
20 (7) Developing an action plan to fill critical
21 need teaching positions, including but not limited to
22 positions teaching science and mathematics.
23 b. The department shall submit its findings and
24 recommendations in a report to the general assembly by
25 November 1, 2022.
26 3. Annual reports. For the fiscal year beginning
27 July 1, 2023, and each succeeding fiscal year, the
28 department shall submit progress reports regarding
29 the levels specified in subsection 2, paragraph “a”,
30 subparagraphs (1) through (7), by November 15 to the
31 general assembly.
32 4. If the annual report submitted pursuant to
33 subsection 2, paragraph “b”, establishes that the
34 department failed to meet the goals established
35 in subsection 2, a department of education
36 elimination commission is established to review all
37 programs, policies, duties, and other functions and
38 responsibilities of the department of education which
39 are funded in whole or part with federal, state, or
40 local government revenues. The commission’s duties
41 shall include the following:
42 a. Review of the state board of education’s duties,
43 policies, and responsibilities and the programs and
44 other functions established in or administered by the
45 department.
46 b. Identification of programs, responsibilities,
47 or functions recommended for elimination or for
48 performance by school districts.
49 5. The commission shall consist of the governor and
50 the following members:

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1 a. The director of the department of management or
2 the director’s designee.
3 b. The executive director of Iowa’s area education
4 agencies.
5 c. Seven members appointed by the governor as
6 follows:
7 (1) One member representing a company employing
8 more than 500 people. The individual should have
9 management experience.
10 (2) One member representing a company employing
11 more than 100 people but fewer than 500 people. The
12 individual should have management experience.

- 13 (3) One member representing a company employing
 14 fewer than 100 people. The individual should have
 15 management experience.
- 16 (4) One member who is the chief executive officer
 17 of a company with multiple stand-alone locations,
 18 employing over 50,000 people, and having annual sales
 19 of more than \$6 billion.
- 20 (5) One member representing an accredited
 21 postsecondary institution.
- 22 (6) One member representing school districts.
- 23 (7) One member from an organization representing
 24 teachers in the state.
- 25 6. The governor shall serve as chairperson of
 26 the commission. The director of the department of
 27 management shall serve as chairperson in the absence
 28 of the governor. The department of management shall
 29 provide staffing assistance to the commission.
- 30 7. The commission shall submit its findings and
 31 recommendations in a report to the governor and the
 32 general assembly by January 1, 2023.

33 DIVISION II

34 SCHOOL TUITION CREDIT PROVISIONS

- 35 Sec. 2. Section 256.7, Code Supplement 2011, is
 36 amended by adding the following new subsection:
 37 NEW SUBSECTION. 31. Adopt rules relating to
 38 applications for a school tuition credit pursuant to
 39 section 257.11B, including application processing
 40 timelines, required information for submission by a
 41 parent or guardian, and penalties for noncompliance.
- 42 Sec. 3. Section 257.6, subsection 1, paragraph a,
 43 unnumbered paragraph 1, Code 2011, is amended to read
 44 as follows:
 45 Actual ~~Actual~~ Except as provided in subparagraph (8).
 46 actual enrollment is determined annually on October 1,
 47 or the first Monday in October if October 1 falls on a
 48 Saturday or Sunday, and includes all of the following:
- 49 Sec. 4. Section 257.6, subsection 1, paragraph
 50 a, Code 2011, is amended by adding the following new

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- 1 subparagraph:
 2 NEW SUBPARAGRAPH. (8) Resident pupils receiving a
 3 school tuition credit pursuant to section 257.11B, as
 4 designated by March 1.
- 5 Sec. 5. NEW SECTION. 257.11B School tuition
 6 credits.
- 7 1. Pupils attending an accredited nonpublic school
 8 shall be eligible to receive a school tuition credit
 9 for attendance in the following grades according to the
 10 following schedule:
- 11 a. For the school budget year beginning July 1,

- 12 2013, pupils in kindergarten.
13 b. For the school budget year beginning July 1,
14 2014, pupils in kindergarten and grade one.
15 c. For the school budget year beginning July 1,
16 2015, pupils in kindergarten and grades one and two.
17 d. For the school budget year beginning July 1,
18 2016, pupils in kindergarten and grades one through
19 three.
20 e. For the school budget year beginning July 1,
21 2017, pupils in kindergarten and grades one through
22 four.
23 f. For the school budget year beginning July 1,
24 2018, pupils in kindergarten and grades one through
25 five.
26 g. For the school budget year beginning July 1,
27 2019, pupils in kindergarten and grades one through
28 six.
29 h. For the school budget year beginning July 1,
30 2020, pupils in kindergarten and grades one through
31 seven.
32 i. For the school budget year beginning July 1,
33 2021, pupils in kindergarten and grades one through
34 eight.
35 j. For the school budget year beginning July 1,
36 2022, pupils in kindergarten and grades one through
37 nine.
38 k. For the school budget year beginning July 1,
39 2023, pupils in kindergarten and grades one through
40 ten.
41 l. For the school budget year beginning July 1,
42 2024, pupils in kindergarten and grades one through
43 eleven.
44 m. For the school budget year beginning July
45 1, 2025, and succeeding budget years, pupils in
46 kindergarten and grades one through twelve.
47 2. a. By January of the school year preceding
48 the school year for which the school tuition credit
49 is requested, the parent or guardian of the pupil
50 requesting to receive a school tuition credit shall

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- 1 submit an application to the department of education,
2 on forms to be developed by the department, indicating
3 that the parent or guardian intends to enroll the pupil
4 in an accredited nonpublic school.
5 b. By March 1, the department of education shall
6 notify the department of management of the number of
7 pupils designated to receive school tuition credits.
8 3. a. (1) The department of management shall
9 assign each designated pupil a school tuition credit in
10 an amount equal to thirty-five percent of the regular

11 program foundation base per pupil, as defined in
12 section 257.1, subsection 2, paragraph “b”.

13 (2) The department of education, in consultation
14 with the department of management, shall reduce the
15 state aid payments to a local public school district
16 otherwise payable pursuant to section 257.16 for
17 the following school budget year attributable to
18 the designated pupils by sixty-five percent of the
19 regular program foundation base per pupil, as defined
20 in section 257.1, subsection 2, paragraph “b”. The
21 regular program foundation funds not paid to school
22 districts due to the school tuition credit reduction
23 shall remain in the general fund of the state.

24 (3) A public school district shall transfer
25 twenty-five percent of the regular program foundation
26 base per pupil, as defined in section 257.1, subsection
27 2, paragraph “b”, per designated pupil directly to
28 the applicable accredited nonpublic school and shall
29 retain the remaining ten percent of the regular program
30 foundation base per pupil, as defined in section 257.1,
31 subsection 2, paragraph “b”, as the pupil’s district
32 of residence.

33 b. (1) Commencing in the school budget year
34 beginning July 1, 2024, and succeeding budget years,
35 if the average enrollment at an accredited nonpublic
36 school equals seventeen percent of the combined
37 enrollment of the local public school district and
38 the accredited nonpublic school, the department of
39 management shall assign each designated pupil a school
40 tuition credit in an amount equal to forty-five percent
41 of the regular program foundation base per pupil, as
42 defined in section 257.1, subsection 2, paragraph “b”.

43 (2) The department of education, in consultation
44 with the department of management, shall reduce the
45 state aid payments to a local public school district
46 otherwise payable pursuant to section 257.16 for
47 the following school budget year attributable to
48 the designated pupils by fifty-five percent of the
49 regular program foundation base per pupil, as defined
50 in section 257.1, subsection 2, paragraph “b”. The

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1 regular program foundation funds not paid to school
2 districts due to the school tuition credit reduction
3 shall remain in the general fund of the state.

4 (3) A public school district shall transfer thirty
5 percent of the regular program foundation base per
6 pupil, as defined in section 257.1, subsection 2,
7 paragraph “b”, per designated pupil directly to the
8 applicable accredited nonpublic school and shall retain
9 the remaining fifteen percent of the regular program

10 foundation base per pupil, as defined in section 257.1,
 11 subsection 2, paragraph "b", as the pupil's district
 12 of residence.

13 c. The school tuition credit may also include
 14 any moneys received for the pupil as a result of the
 15 non-English-speaking weighting pursuant to section
 16 280.4, subsection 3, for the previous school year
 17 multiplied by the state cost per pupil for the previous
 18 school year, and if the pupil is also an eligible pupil
 19 under section 261E.6, the tuition reimbursement amount
 20 as provided in section 261E.7.

21 d. Amounts payable as a school tuition credit
 22 may be paid in a lump sum or in installments to the
 23 accredited nonpublic school as determined by the
 24 department of education.

25 4. A pupil enrolled in an accredited nonpublic
 26 school who is receiving a school tuition credit
 27 shall be considered, for state school foundation
 28 aid purposes, to be attending school in the pupil's
 29 district of residence. A parent or guardian may apply
 30 on an annual basis for a school tuition credit for
 31 each year that the pupil is enrolled in an accredited
 32 nonpublic school.

33 5. In the event that a pupil requires special
 34 education pursuant to chapter 256B, a school tuition
 35 credit may be utilized only in the event that the pupil
 36 is enrolled in an accredited nonpublic school that
 37 maintains a special education instructional program
 38 that is equipped to meet the pupil's educational needs.

39 Sec. 6. APPLICABILITY. This division of this Act
 40 applies to school budget years beginning on or after
 41 July 1, 2013.>

PAUL MCKINLEY
 MARK CHELGREN
 STEVE KETTERING

S-5176

1 Amend Senate File 2284 as follows:
 2 1. Page 31, line 6, after <PREPARATION> by
 3 inserting <AND>
 4 2. Page 31, after line 21 by inserting:
 5 <Sec. ____ Section 272.2, subsection 13, Code
 6 Supplement 2011, is amended to read as follows:
 7 13. Adopt rules to provide for nontraditional
 8 preparation options for licensing persons who hold
 9 a bachelor's degree from an accredited college or
 10 university, who do not meet other requirements for
 11 licensure. The rules shall include but not be limited
 12 to alternative pathways to the initial teacher license
 13 and initial administrator license or endorsement

14 in accordance with section 272.16. The rules shall
15 prescribe standards and procedures for the approval of
16 alternative principal licensing programs which may be
17 offered in this state by designated agencies located
18 within or outside this state. Procedures provided for
19 approval of alternative principal licensing programs
20 shall include procedures for enforcement of the
21 prescribed standards.

22 Sec. ____ NEW SECTION. 272.16 Alternative
23 licensure and endorsement.

24 1. The board shall establish alternative licensure
25 pathways for an initial teacher license and an initial
26 administrator license and endorsement.

27 2. The alternative pathway for an initial teacher
28 license shall include all of the following components:

29 a. A requirement that the applicant for the
30 alternative pathway to an initial teacher license meet
31 all of the following criteria:

32 (1) Hold, at a minimum, a bachelor's degree from
33 a regionally accredited postsecondary institution and
34 twenty-four postsecondary credit hours in the content
35 area to be taught at the licensure level sought by the
36 applicant; or, in order to teach a foreign language,
37 the applicant shall hold at least a bachelor's degree
38 and be a native speaker of the language to be taught.

39 (2) Have successfully passed a background check
40 conducted in accordance with section 272.2, subsection
41 17.

42 (3) Have at least three recent consecutive years of
43 successful, relevant work experience.

44 (4) Have successfully passed a basic skills test,
45 approved by the executive director, for acceptance.

46 An applicant utilizing the alternative pathway to an
47 initial teacher license shall not be issued such a
48 license unless the student achieves scores above the
49 twenty-fifth percentile nationally on an examination
50 approved by the executive director for knowledge of

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1 pedagogies and in at least one content area.

2 (5) Have a cumulative postgraduate grade point
3 average of at least three on a four-point scale, or its
4 equivalent if another grade scale is used.

5 b. A requirement that the person issued an initial
6 teacher license pursuant to this subsection shall,
7 during the person's first three years of teaching,
8 successfully complete a beginning teacher mentoring and
9 induction program pursuant to section 284.5, and shall
10 successfully complete eighteen postsecondary credit
11 hours of pedagogy coursework before the person may be
12 issued a license beyond the initial license.

- 13 3. The alternative pathway for an initial
14 administrator license shall include all of the
15 following components:
- 16 a. A requirement that the applicant for the
17 alternative pathway to an initial administrator license
18 meet all of the following criteria:
- 19 (1) Hold, at a minimum, a bachelor's degree from a
20 regionally accredited postsecondary institution.
- 21 (2) Have successfully passed a background check
22 conducted in accordance with section 272.2, subsection
23 17.
- 24 b. A requirement that a person who is issued an
25 initial administrator license through the alternative
26 pathway specified by this subsection may be employed by
27 a school district or accredited nonpublic school and,
28 for the first consecutive three years of employment
29 as a building principal, shall be supervised and
30 mentored by a person who holds a valid professional
31 administrator license.
- 32 4. A person with at least five recent years of
33 successful experience as a professional educator, and
34 who is enrolled in an alternative principal licensing
35 program approved by the state board of education, may
36 qualify for an initial administrator license.
- 37 5. A person with at least five recent years of
38 successful management experience in business; industry;
39 local, state, or federal government; or the military
40 service of the United States, and who has successfully
41 completed an alternative principal licensing program
42 approved by the state board of education, may qualify
43 for an initial administrator license.
- 44 6. a. The alternative pathway for an initial
45 administrator endorsement for school superintendents
46 and area education agency administrators shall require
47 an applicant to meet all of the following criteria:
- 48 (1) Hold, at a minimum, a bachelor's degree from a
49 regionally accredited postsecondary institution.
- 50 (2) Have successfully passed a background check

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- 1 conducted in accordance with section 272.2, subsection
2 17.
- 3 (3) Have at least five recent years of successful,
4 relevant experience as a professional educator or
5 management experience in business; industry; local,
6 state, or federal government; or the military service
7 of the United States.
- 8 b. A person issued an initial administrator
9 endorsement for superintendents or area education
10 agency administrators under this subsection shall
11 successfully complete a beginning mentoring and

12 induction program with a mentor who is a superintendent
13 or area education agency administrator, as appropriate.

14 c. A person issued an initial administrator
15 endorsement for superintendents or area education
16 agency administrators pursuant to this subsection,
17 who successfully completes three years of experience
18 as a superintendent or area education agency
19 administrator, may be issued a license beyond the
20 initial administrator endorsement.

21 7. Upon application, a person who holds an initial
22 administrator license issued pursuant to subsection 3,
23 and who has three years of successful experience as a
24 principal, shall be issued a professional administrator
25 license.>

26 3. By renumbering as necessary.

MARK CHELGREN

S-5177

1 Amend the amendment, S-5166, to Senate File 2284 as
2 follows:

3 1. By striking page 4, line 22, through page 6,
4 line 28, and inserting:

5 <__. By striking page 13, line 11, through page
6 17, line 13, and inserting:

7 <DIVISION ____
8 COURSES TAUGHT BY MEANS OF TELECOMMUNICATIONS

9 Sec. __. Section 256.7, subsection 7, paragraph b,
10 Code Supplement 2011, is amended to read as follows:

11 b. The rules shall provide that when the curriculum
12 is taught by an appropriately licensed teacher at the
13 location at which the telecommunications originates,
14 the curriculum shall be received at a remote site shall
15 be under the supervision of a licensed teacher at any
16 remote site. The licensed teacher at the originating
17 site may provide supervision of students at a remote
18 site or the school district in which the remote site
19 is located may provide for supervision at the remote
20 site if the school district deems it necessary or if
21 requested to do so by the licensed teacher at the
22 originating site. For the purposes of this subsection,
23 "supervision";

24 (1) "Supervision" means that the curriculum is
25 monitored by a proctor who need not be a licensed
26 teacher, and the teacher is but shall be accessible
27 to the students receiving the curriculum by means of
28 telecommunications.

29 (2) "Proctor" means a school librarian, school
30 teacher, school administrator, school guidance
31 counselor, teacher assistant, para-educator, or other
32 individuals approved by the department.

33 Sec. ____ Section 256.7, subsection 7, paragraph
 34 c, Code Supplement 2011, is amended by striking the
 35 paragraph.

36 Sec. ____ Section 256.7, subsection 8, Code
 37 Supplement 2011, is amended by striking the subsection
 38 and inserting in lieu thereof the following:

39 8. a. At the discretion of the board of directors
 40 of a school district or the authorities in charge of
 41 a school, after taking into consideration necessity,
 42 convenience, and cost-effectiveness, brokered courses
 43 developed by outside sources may be approved for use by
 44 a school district or school.

45 b. Courses used by a school district or school
 46 in accordance with paragraph "a" shall be taught by
 47 means of telecommunications by teachers licensed
 48 under chapter 272; however, if the director determines
 49 special circumstances exist, the director may waive
 50 this requirement. >>

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1 2. By renumbering as necessary.

STEVE KETTERING
 BILL ANDERSON

S-5178

1 Amend Senate File 2284 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <DIVISION I
 5 REPEAL OF DEPARTMENT OF EDUCATION AND
 6 STATE BOARD OF EDUCATION

7 Section 1. Section 256A.2, subsection 1, paragraph
 8 b, Code 2011, is amended by striking the paragraph.

9 Sec. 2. Section 256A.2, subsection 2, Code 2011, is
 10 amended to read as follows:

11 2. Staff assistance for the council shall be
 12 provided by the department of ~~education~~ human services.
 13 Members of the council shall be reimbursed for actual
 14 and necessary expenses incurred while engaged in their
 15 official duties and shall receive per diem compensation
 16 at the level authorized under section 7E.6, subsection
 17 1, paragraph "a".

18 Sec. 3. Section 256A.3, subsection 4, Code 2011, is
 19 amended to read as follows:

20 4. Make recommendations to the department
 21 of ~~education~~ human services and the general
 22 assembly regarding appropriate curricula and staff
 23 qualifications and training for early elementary
 24 education, coordination of the curricula with

25 child development programs, and the development
26 of an at-risk children definition for use in
27 school-district-sponsored early elementary and before
28 and after school child care programs.

29 Sec. 4. Section 256A.4, subsection 2, unnumbered
30 paragraph 1, Code 2011, is amended to read as follows:

31 The department of ~~education~~ human services shall
32 develop guidelines for family support programs.

33 Program components may include, but are not limited to,
34 all of the following:

35 Sec. 5. NEW SECTION. 256B.16 Transfer of authority
36 and duties.

37 1. Beginning July 1, 2013, the authority and
38 duties of the department of education, the state board
39 of education, and the director of the department of
40 education under this chapter shall be transferred
41 to the department of human services and the director
42 of human services. Accordingly, beginning July 1,
43 2013, all references to the department of education
44 under this chapter and references to the department
45 of education under other provisions of law relating
46 to this chapter shall mean the department of human
47 services and all references to the state board
48 of education or the director of the department of
49 education under this chapter or other provisions of law
50 relating to this chapter shall mean the director of

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1 human services.

2 2. Beginning July 1, 2013, the division of special
3 education created within the department of education
4 under section 256B.1 shall be transferred to the
5 department of human services.

6 3. Any moneys remaining in any account or fund
7 under the control of the department of education at the
8 conclusion of the fiscal year beginning July 1, 2012,
9 relative to the provisions of this chapter shall be
10 transferred to the control of the department of human
11 services for such purposes. Notwithstanding section
12 8.33, the moneys transferred in accordance with this
13 subsection shall not revert to the account or fund from
14 which appropriated or transferred.

15 4. Any contract entered into by the department of
16 education relating to the provisions of this chapter in
17 effect at the conclusion of the fiscal year beginning
18 July 1, 2012, shall continue in full force and effect
19 pending transfer of such contracts to the department of
20 human services.

21 5. Any rule, regulation, form, order, or directive
22 promulgated by the department of education relative
23 to the provisions of this chapter in existence at the

24 conclusion of the fiscal year beginning July 1, 2012,
 25 shall continue in full force and effect until amended,
 26 repealed, or supplemented by affirmative action of
 27 the department of human services under the duties
 28 and powers established in this chapter and under the
 29 procedure established in subsection 6.

30 6. In regard to updating references and format in
 31 the Iowa administrative code in order to correspond
 32 to the transferring of duties of this chapter, the
 33 administrative rules coordinator and the administrative
 34 rules review committee, in consultation with the
 35 administrative code editor, shall jointly develop
 36 a schedule for the necessary updating of the Iowa
 37 administrative code.

38 Sec. 6. Section 256C.1, Code 2011, is amended to
 39 read as follows:

40 256C.1 Definitions.

41 As used in this chapter:

42 1. "Approved local program" means a school
 43 district's program for four-year-old children ~~approved~~
 44 ~~by the department of education to provide high quality~~
 45 ~~preschool instruction.~~

46 2. "Department" means the department of education.

47 3. "Director" means the director of the department
 48 of education.

49 4. 2. "Preschool program" means the statewide
 50 preschool program for four-year-old children created in

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1 accordance with this chapter.

2 ~~5. 3.~~ "School district approved to participate in
 3 the preschool program" means a school district that
 4 meets the school district requirements under section
 5 256C.3 ~~and has been approved by the department to~~
 6 ~~participate in the preschool program.~~

7 6. "State board" means the state board of
 8 education.

9 Sec. 7. Section 256C.2, subsection 2, Code 2011, is
 10 amended by striking the subsection.

11 Sec. 8. Section 256C.3, subsection 2, paragraph
 12 a, subparagraph (3), Code 2011, is amended to read as
 13 follows:

14 (3) The individual possesses a bachelor's or
 15 graduate degree from an accredited college or
 16 university with a major in early childhood education
 17 or other appropriate major ~~identified in rule by the~~
 18 ~~department as determined by the school district's board~~
 19 ~~of directors.~~

20 Sec. 9. Section 256C.3, subsection 3, unnumbered
 21 paragraph 1, Code 2011, is amended to read as follows:

22 ~~The state board shall adopt rules to further define~~

23 ~~the following preschool program requirements which~~
 24 ~~shall be used to determine whether or not a~~ Each local
 25 program implemented by a school district approved
 26 to implement the preschool program ~~qualifies as an~~
 27 ~~approved local program shall address or conform with~~
 28 all of the following:

29 Sec. 10. Section 256C.3, subsection 4, Code 2011,
 30 is amended by striking the subsection and inserting in
 31 lieu thereof the following:

32 4. School district requirements.

33 a. Subject to implementation of chapter
 34 28E agreements between a school district and
 35 community-based providers of services to four-year-old
 36 children, a four-year-old child who is enrolled in a
 37 child care center or child development home licensed
 38 or registered under chapter 237A, or in an existing
 39 public or private preschool program, shall be eligible
 40 for services provided by the school district's local
 41 preschool program.

42 b. Professional development for school district
 43 preschool teachers shall be addressed in the school
 44 district's professional development plan implemented in
 45 accordance with section 284.6.

46 Sec. 11. Section 256C.3, subsection 5, Code 2011,
 47 is amended by striking the subsection.

48 Sec. 12. Section 256C.4, subsection 1, paragraph d,
 49 Code 2011, is amended to read as follows:

50 d. Preschool foundation aid funding shall not

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1 be commingled with the other state aid payments made
 2 under section 257.16 to a school district and shall be
 3 accounted for by the local school district separately
 4 from the other state aid payments. Preschool
 5 foundation aid payments made to school districts are
 6 miscellaneous income for purposes of chapter 257. A
 7 school district shall maintain a separate listing
 8 within its budget for preschool foundation aid payments
 9 received and expenditures made. ~~A school district~~
 10 ~~shall certify to the department of education that~~
 11 ~~preschool~~ Preschool foundation aid funding received by
 12 the school district ~~was~~ shall be used to supplement,
 13 not supplant, moneys otherwise received and used by the
 14 school district for preschool programming.

15 Sec. 13. Section 256C.5, subsection 1, paragraph a,
 16 Code Supplement 2011, is amended to read as follows:

17 a. "Base year", "budget year", ~~"regular program~~
 18 ~~state cost per pupil"~~, and "school district" mean the
 19 same as defined or described in chapter 257.

20 Sec. 14. Section 256C.5, subsection 1, Code
 21 Supplement 2011, is amended by adding the following new

22 paragraph:

23 NEW PARAGRAPH. e. "Regular program state cost per
24 pupil" means five thousand eight hundred eighty-three
25 dollars.

26 Sec. 15. Section 256C.5, subsection 2, Code
27 Supplement 2011, is amended to read as follows:

28 2. Preschool foundation aid district amount.

29 a. For the initial school year for which a school
30 district approved to participate in the preschool
31 program ~~receives that approval and~~ implements the
32 preschool program, the funding for the preschool
33 foundation aid payable to that school district shall be
34 paid from the appropriation made for that school year
35 in section 256C.6 or in another appropriation made for
36 purposes of this chapter. For that school year, the
37 preschool foundation aid payable to the school district
38 is the product of the regular program state cost per
39 pupil for the school year multiplied by sixty percent
40 of the school district's eligible student enrollment on
41 the date in the school year ~~determined by rule.~~

42 b. For budget years subsequent to the initial
43 school year for which a school district approved
44 to participate in the preschool program ~~receives~~
45 ~~that initial approval and~~ implements the preschool
46 program, the funding for the preschool foundation aid
47 payable to that school district shall be paid from the
48 appropriation made in section 257.16. ~~Continuation~~
49 ~~of a school district's participation in the preschool~~
50 ~~program for a second or subsequent budget year is~~

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1 ~~subject to the approval of the department based upon~~
2 ~~the school district's compliance with accountability~~
3 ~~provisions and the department's on-site review of the~~
4 ~~school district's implementation of the preschool~~
5 ~~program.~~

6 Sec. 16. Section 256C.5, subsection 4, Code
7 Supplement 2011, is amended by striking the subsection.

8 Sec. 17. NEW SECTION. 256F.12 Transfer of
9 authority and duties.

10 1. Beginning July 1, 2013, the authority and duties
11 of the department of education, the state board, and
12 the director of the department of education under this
13 chapter, to the extent feasible, shall be transferred
14 to the board of directors of the community college
15 serving the merged area in which the charter school
16 or innovation zone school, or such proposed school,
17 is located. Accordingly, beginning July 1, 2013, all
18 references to the department of education, the state
19 board of education, and the director of the department
20 of education under this chapter or other provisions of

21 law relating to this chapter shall mean the board of
 22 directors of the community college serving the merged
 23 area in which the charter school or innovation zone
 24 school, or such proposed school, is located.

25 2. Any contract entered into by the department of
 26 education relating to the provisions of this chapter in
 27 effect at the conclusion of the fiscal year beginning
 28 July 1, 2012, shall continue in full force and effect
 29 pending transfer of such contracts to the appropriate
 30 community college board of directors.

31 3. Any rule, regulation, form, order, or directive
 32 promulgated by the department of education relative
 33 to the provisions of this chapter in existence at the
 34 conclusion of the fiscal year beginning July 1, 2012,
 35 shall continue in full force and effect.

36 Sec. 18. Section 256G.2, subsections 1 and 2, Code
 37 2011, are amended by striking the subsections.

38 Sec. 19. Section 256G.3, subsection 1, paragraph
 39 a, subparagraph (2), Code 2011, is amended to read as
 40 follows:

41 (2) The policy shall include, in order of
 42 consideration, the reasons for which a request to
 43 transfer to the research and development school will
 44 be allowed by the school district. The research and
 45 development school may deny any request for transfer
 46 under the policy ~~and such denial for transfer is not~~
 47 ~~subject to appeal under section 200.1.~~ The research
 48 and development school shall report the transfer and
 49 enrollment of a new student directly to the ~~department~~
 50 state board of regents.

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1 Sec. 20. Section 256G.4, subsection 2, Code 2011,
 2 is amended to read as follows:

3 2. The ~~department~~ state board of regents shall be
 4 the accreditation agency and as such shall serve as the
 5 authority on teacher qualification requirements and
 6 waiver provisions.

7 Sec. 21. Section 256G.4, subsection 3, paragraph a,
 8 unnumbered paragraph 1, Code 2011, is amended to read
 9 as follows:

10 A ~~seventeen-member~~ sixteen-member advisory council
 11 is created, composed of the following members:

12 Sec. 22. Section 256G.4, subsection 3, paragraph a,
 13 subparagraph (1), subparagraph division (a), Code 2011,
 14 is amended by striking the subparagraph division.

15 Sec. 23. Section 256G.4, subsection 3, paragraph a,
 16 subparagraph (2), unnumbered paragraph 1, Code 2011, is
 17 amended to read as follows:

18 Ten members, as follows, who shall be ~~jointly~~
 19 recommended for membership by the president ~~and the~~

20 ~~director~~, shall be ~~jointly~~ approved by the state board
 21 of regents ~~and the state board of education~~, shall
 22 serve three-year staggered terms, and shall be eligible
 23 to serve for two consecutive three-year terms on the
 24 council in addition to any partial, initial term:

25 Sec. 24. Section 256G.4, subsection 3, paragraph
 26 c, subparagraph (2), Code 2011, is amended to read as
 27 follows:

28 (2) The advisory council shall provide an annual
 29 report to the president, ~~the director~~, the state board
 30 of regents, ~~the state board of education~~, and the
 31 general assembly.

32 Sec. 25. Section 256G.4, subsection 4, paragraph a,
 33 unnumbered paragraph 1, Code 2011, is amended to read
 34 as follows:

35 ~~An eleven member~~ A ten-member standing institutional
 36 research committee, appointed by the president ~~and~~
 37 ~~the director~~, is created, composed of the following
 38 members:

39 Sec. 26. Section 256G.4, subsection 4, paragraph a,
 40 subparagraph (10), Code 2011, is amended by striking
 41 the subparagraph.

42 Sec. 27. NEW SECTION. 256H.4 Transfer of authority
 43 and duties.

44 1. Beginning July 1, 2013, the authority and duties
 45 of the department of education and the director of
 46 the department of education under this chapter shall
 47 be transferred to the adjutant general of the state.
 48 Accordingly, beginning July 1, 2013, all references to
 49 the department of education and the director of the
 50 department of education under this chapter or other

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1 provisions of law relating to this chapter shall mean
 2 adjutant general of the state.

3 2. Any contract entered into by the department of
 4 education relating to the provisions of this chapter in
 5 effect at the conclusion of the fiscal year beginning
 6 July 1, 2012, shall continue in full force and effect
 7 pending transfer of such contracts to the adjutant
 8 general of the state.

9 3. Any rule, regulation, form, order, or directive
 10 promulgated by the department of education relating
 11 to the provisions of this chapter in existence upon
 12 conclusion of the fiscal year beginning July 1, 2012,
 13 shall continue in full force and effect.

14 Sec. 28. NEW SECTION. 256I.13 Transfer of
 15 authority and duties.

16 1. Beginning July 1, 2013, the authority and duties
 17 of the department of education and the director of the
 18 department of education under this chapter shall be

19 transferred to the department of human services and the
20 director of human services. Accordingly, beginning
21 July 1, 2013, all references to the department
22 of education or the director of the department of
23 education under this chapter or under other provisions
24 of law relating to this chapter shall mean the
25 department of human services and the director of human
26 services.

27 2. Any moneys remaining in any account or fund
28 under the control of the department of education at the
29 conclusion of the fiscal year beginning July 1, 2012,
30 relative to the provisions of this chapter shall be
31 transferred to the control of the department of human
32 services for such purposes. Notwithstanding section
33 8.33, the moneys transferred in accordance with this
34 subsection shall not revert to the account or fund from
35 which appropriated or transferred.

36 3. Any contract entered into by the department of
37 education relating to the provisions of this chapter in
38 effect at the conclusion of the fiscal year beginning
39 July 1, 2012, shall continue in full force and effect
40 pending transfer of such contracts to the department of
41 human services.

42 4. Any rule, regulation, form, order, or directive
43 promulgated by the department of education relative
44 to the provisions of this chapter in existence at the
45 conclusion of the fiscal year beginning July 1, 2012,
46 shall continue in full force and effect until amended,
47 repealed, or supplemented by affirmative action of
48 the department of human services under the duties
49 and powers established in this chapter and under the
50 procedure established in subsection 5.

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1 5. In regard to updating references and format in
2 the Iowa administrative code in order to correspond
3 to the transferring of duties of this chapter, the
4 administrative rules coordinator and the administrative
5 rules review committee, in consultation with the
6 administrative code editor, shall jointly develop
7 a schedule for the necessary updating of the Iowa
8 administrative code.

9 Sec. 29. Section 257C.5, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. The powers of the authority are vested in and
12 exercised by a board consisting of five members,
13 including the treasurer of state, ~~the director of~~
14 ~~the department of education,~~ and the director of
15 the department of management, and ~~two~~ three members
16 appointed by the governor, subject to confirmation
17 by the senate. The state officials may designate

18 representatives to serve on the board for them. As far
19 as possible, the governor shall appoint members who are
20 knowledgeable or experienced in the school systems of
21 this state or in finance.

22 Sec. 30. NEW SECTION. 258.18 Transfer of authority
23 and duties.

24 1. Beginning July 1, 2013, the authority and
25 duties of the department of education, the state board
26 of education, and the director of the department of
27 education under this chapter shall be transferred
28 to the department of workforce development and the
29 director of the department of workforce development.
30 Accordingly, beginning July 1, 2013, all references
31 to the department of education under this chapter
32 and references to the department of education under
33 other provisions of law relating to this chapter shall
34 mean the department of workforce development and all
35 references to the state board of education or the
36 director of the department of education under this
37 chapter or other provisions of law relating to this
38 chapter shall mean the director of the department of
39 workforce development.

40 2. Any moneys remaining in any account or fund
41 under the control of the department of education
42 at the conclusion of the fiscal year beginning
43 July 1, 2012, relative to the provisions of this
44 chapter shall be transferred to the control of the
45 department of workforce development for such purposes.
46 Notwithstanding section 8.33, the moneys transferred in
47 accordance with this subsection shall not revert to the
48 account or fund from which appropriated or transferred.

49 3. Any contract entered into by the department of
50 education relating to the provisions of this chapter in

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1 effect at the conclusion of the fiscal year beginning
2 July 1, 2012, shall continue in full force and effect
3 pending transfer of such contracts to the department
4 of workforce development.

5 4. Any rule, regulation, form, order, or directive
6 promulgated by the department of education relative
7 to the provisions of this chapter in existence at the
8 conclusion of the fiscal year beginning July 1, 2012,
9 shall continue in full force and effect until amended,
10 repealed, or supplemented by affirmative action of the
11 department of workforce development under the duties
12 and powers established in this chapter and under the
13 procedure established in subsection 5.

14 5. In regard to updating references and format in
15 the Iowa administrative code in order to correspond
16 to the transferring of duties of this chapter, the

17 administrative rules coordinator and the administrative
18 rules review committee, in consultation with the
19 administrative code editor, shall jointly develop
20 a schedule for the necessary updating of the Iowa
21 administrative code.

22 Sec. 31. NEW SECTION. 259.1A Transfer of authority
23 and duties.

24 1. Beginning July 1, 2013, the authority and
25 duties of the department of education, the state board
26 of education, and the director of the department of
27 education under this chapter shall be transferred
28 to the department of workforce development and the
29 director of the department of workforce development.
30 Accordingly, beginning July 1, 2013, all references
31 to the department of education under this chapter
32 and references to the department of education under
33 other provisions of law relating to this chapter shall
34 mean the department of workforce development and all
35 references to the state board of education or the
36 director of the department of education under this
37 chapter or other provisions of law relating to this
38 chapter shall mean the director of the department of
39 workforce development.

40 2. Beginning July 1, 2013, the division of
41 vocational rehabilitation services created within the
42 department of education under section 259.3 shall be
43 transferred to the department of workforce development.

44 3. Any moneys remaining in any account or fund
45 under the control of the department of education
46 at the conclusion of the fiscal year beginning
47 July 1, 2012, relative to the provisions of this
48 chapter shall be transferred to the control of the
49 department of workforce development for such purposes.
50 Notwithstanding section 8.33, the moneys transferred in

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1 accordance with this subsection shall not revert to the
2 account or fund from which appropriated or transferred.

3 4. Any contract entered into by the department of
4 education relating to the provisions of this chapter in
5 effect at the conclusion of the fiscal year beginning
6 July 1, 2012, shall continue in full force and effect
7 pending transfer of such contracts to the department
8 of workforce development.

9 5. Any rule, regulation, form, order, or directive
10 promulgated by the department of education relative
11 to the provisions of this chapter in existence at the
12 conclusion of the fiscal year beginning July 1, 2012,
13 shall continue in full force and effect until amended,
14 repealed, or supplemented by affirmative action of the
15 department of workforce development under the duties

16 and powers established in this chapter and under the
17 procedure established in subsection 6.

18 6. In regard to updating references and format in
19 the Iowa administrative code in order to correspond
20 to the transferring of duties of this chapter, the
21 administrative rules coordinator and the administrative
22 rules review committee, in consultation with the
23 administrative code editor, shall jointly develop
24 a schedule for the necessary updating of the Iowa
25 administrative code.

26 Sec. 32. Section 259A.1, Code 2011, is amended to
27 read as follows:

28 259A.1 Tests.

29 ~~The department of education~~ Each board of directors
30 of the community college serving the merged area shall
31 cause to be made available for qualified individuals
32 a high school equivalency diploma. The diploma shall
33 be issued on the basis of satisfactory competence as
34 shown by tests covering all of the following: reading,
35 arts, language arts, writing, mathematics, science, and
36 social studies.

37 Sec. 33. Section 259A.2, unnumbered paragraph 2,
38 Code 2011, is amended to read as follows:

39 Application shall be made to a testing center
40 approved by the ~~department of education~~ board of
41 directors of the community college serving the merged
42 area, accompanied by an application fee in an amount
43 prescribed by the ~~department~~ board of directors of the
44 community college. The test scores shall be forwarded
45 by the testing center to the ~~department~~ board of
46 directors of the community college.

47 Sec. 34. Section 259A.3, Code Supplement 2011, is
48 amended to read as follows:

49 259A.3 Notice and fee.

50 Any applicant who has achieved the minimum passing

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1 standards as established by the ~~department, and~~
2 ~~approved by the state board,~~ board of directors of
3 the community college shall be issued a high school
4 equivalency diploma ~~by the department~~ upon payment of
5 an additional amount determined ~~in rules adopted by~~
6 ~~the state board of education~~ by the board to cover the
7 actual costs of the production and distribution of the
8 diploma. ~~The state board of education may also by rule~~
9 ~~establish a fee for the issuance or verification of a~~
10 ~~transcript which shall be based on the actual costs of~~
11 ~~the production or verification of a transcript.~~

12 Sec. 35. Section 259A.4, Code 2011, is amended to
13 read as follows:

14 259A.4 Use of fees.

15 The fees collected under the provisions of this
16 chapter shall be used for the expenses incurred in
17 administering, providing test materials, scoring of
18 examinations and issuance of high school equivalency
19 diplomas, and shall be disbursed on the authorization
20 of the ~~director of the department of education~~ board
21 of directors of the community college. The treasurer
22 of state shall be custodian of the funds paid to the
23 ~~department~~ community college and shall disburse the
24 same on vouchers audited as provided by law. The
25 unobligated balance in such funds at the close of each
26 biennium shall be placed in the general fund of the
27 state.

28 Sec. 36. Section 259A.5, Code 2011, is amended to
29 read as follows:

30 259A.5 Rules.

31 ~~The director of the department of education~~ Each
32 board of directors of the community college shall adopt
33 tests, definitions of terms, and forms as necessary for
34 the administration of this chapter. ~~The state board~~
35 ~~shall adopt rules under chapter 17A to carry out this~~
36 ~~chapter.~~

37 Sec. 37. NEW SECTION. 260C.1A Transfer of
38 authority and duties.

39 1. Beginning July 1, 2013, the authority and
40 duties of the department of education, the state board
41 of education, and the director of the department of
42 education under this chapter shall, to the extent
43 feasible, be transferred to the boards of directors
44 of the community colleges serving the merged areas of
45 the state. Accordingly, beginning July 1, 2013, all
46 references to the department of education, the state
47 board of education, and the director of the department
48 of education under this chapter and references to the
49 department of education, the state board of education,
50 and the director of the department of education under

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1 other provisions of law relating to this chapter shall
2 mean the applicable board of directors of a community
3 college.

4 2. Beginning July 1, 2013, transfer of the duties
5 and authority of the department shall also include
6 all duties and authority of the community colleges
7 division created within the department of education
8 under section 260C.6.

9 3. Any moneys remaining in any account or fund
10 under the control of the department of education at the
11 conclusion of the fiscal year beginning July 1, 2012,
12 relative to the provisions of this chapter shall be
13 transferred to the control of the applicable board of

14 directors of a community college for such purposes.
 15 Notwithstanding section 8.33, the moneys transferred in
 16 accordance with this subsection shall not revert to the
 17 account or fund from which appropriated or transferred.

18 4. Any contract entered into by the department of
 19 education relating to the provisions of this chapter in
 20 effect at the conclusion of the fiscal year beginning
 21 July 1, 2012, shall continue in full force and effect
 22 pending transfer of such contracts to the boards of
 23 directors of the community colleges.

24 5. Any rule, regulation, form, order, or directive
 25 promulgated by the department of education relative
 26 to the provisions of this chapter in existence at the
 27 conclusion of the fiscal year beginning July 1, 2012,
 28 shall continue in full force and effect.

29 Sec. 38. Section 260E.7, subsection 1, Code
 30 Supplement 2011, is amended to read as follows:

31 1. The economic development authority, in
 32 consultation with the ~~department of education, the~~
 33 ~~department of revenue,~~ and the department of workforce
 34 development, shall coordinate and review the new jobs
 35 training program. The economic development authority
 36 shall adopt, amend, and repeal rules under chapter
 37 17A that the community college will use in developing
 38 projects with new and expanding industrial new jobs
 39 training proposals and that the economic development
 40 authority shall use to review and report on the new
 41 jobs training program as required in this section.

42 Sec. 39. Section 260F.6B, Code Supplement 2011, is
 43 amended to read as follows:

44 260F.6B High technology apprenticeship program.
 45 The community colleges and the economic development
 46 authority are authorized to fund high technology
 47 apprenticeship programs which comply with the
 48 requirements specified in section 260C.44 and which may
 49 include both new and statewide apprenticeship programs.
 50 Notwithstanding the provisions of section 260F.6,

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1 subsection 2, relating to maximum award amounts,
 2 moneys allocated to the community colleges with high
 3 technology apprenticeship programs shall be distributed
 4 to the community colleges based upon contact hours
 5 under the programs administered during the prior
 6 fiscal year as determined by the ~~department of~~
 7 ~~education~~ economic development authority. The economic
 8 development authority shall adopt rules governing this
 9 section's operation and participant eligibility.

10 Sec. 40. Section 260F.7, Code Supplement 2011, is
 11 amended to read as follows:

12 260F.7 Economic development authority to coordinate.

13 The economic development authority, in consultation
14 with ~~the department of education and~~ the department
15 of workforce development, shall coordinate the jobs
16 training program. A project shall not be funded
17 under this chapter unless the economic development
18 authority approves the project. The authority shall
19 adopt rules pursuant to chapter 17A governing the
20 program's operation and eligibility for participation
21 in the program. The authority shall establish by rule
22 criteria for determining what constitutes an eligible
23 business.

24 Sec. 41. Section 260H.2, Code Supplement 2011, is
25 amended to read as follows:
26 260H.2 Pathways for academic career and employment
27 program.

28 A pathways for academic career and employment
29 program is established to provide funding to
30 community colleges for the development of projects
31 in coordination with the economic development
32 authority, the department of ~~education, Iowa~~ workforce
33 development, regional advisory boards established
34 pursuant to section 84A.4, and community partners to
35 implement a simplified, streamlined, and comprehensive
36 process, along with customized support services, to
37 enable eligible participants to acquire effective
38 academic and employment training to secure gainful,
39 quality, in-state employment.

40 Sec. 42. Section 260H.8, Code Supplement 2011, is
41 amended to read as follows:

42 260H.8 Rules.

43 ~~The department of education~~ economic development
44 authority, in consultation with the community colleges,
45 ~~the economic development authority, and Iowa the~~
46 department of workforce development, shall adopt rules
47 pursuant to chapter 17A and this chapter to implement
48 the provisions of this chapter. Regional advisory
49 boards established pursuant to section 84A.4 shall be
50 consulted in the development and implementation of

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1 rules to be adopted pursuant to this chapter.

2 Sec. 43. Section 260I.3, subsection 1, Code
3 Supplement 2011, is amended to read as follows:

4 1. ~~The department of education, in consultation~~
5 ~~with the economic development authority,~~ shall adopt
6 rules pursuant to this chapter defining eligibility
7 criteria for persons applying to receive tuition
8 assistance under this chapter.

9 Sec. 44. Section 260I.10, Code Supplement 2011, is
10 amended to read as follows:

11 260I.10 Oversight.

12 1. The ~~department of education~~ economic development
 13 authority, in coordination with the community colleges,
 14 shall establish a steering committee. The steering
 15 committee shall determine if the performance measures
 16 of the gap tuition assistance program are being met and
 17 shall take necessary steps to correct any deficiencies.
 18 The steering committee shall meet at least quarterly to
 19 evaluate and monitor the performance of the gap tuition
 20 assistance program.

21 2. The ~~department of education~~ economic development
 22 authority, in coordination with the community colleges,
 23 shall develop a common intake tracking system that
 24 shall be implemented consistently by each participating
 25 community college.

26 3. The ~~department of education~~ economic development
 27 authority shall coordinate statewide oversight,
 28 evaluation, and reporting efforts for the gap tuition
 29 assistance program.

30 Sec. 45. Section 260I.11, Code Supplement 2011, is
 31 amended to read as follows:

32 260I.11 Rules.

33 The ~~department of education~~ economic development
 34 authority, in consultation with the ~~economic~~
 35 ~~development authority and the~~ community colleges, shall
 36 adopt rules pursuant to chapter 17A and this chapter to
 37 implement the provisions of this chapter.

38 Sec. 46. Section 261.1, subsection 2, paragraph b,
 39 Code 2011, is amended by striking the paragraph.

40 Sec. 47. NEW SECTION. 261.8 Transfer of authority
 41 and duties.

42 1. Beginning July 1, 2013, the authority
 43 and duties of the department of education, the
 44 state board of education, and the director of the
 45 department of education under this chapter shall be
 46 transferred to the college student aid commission.
 47 Accordingly, beginning July 1, 2013, all references
 48 to the department of education or the director of
 49 the department of education under this chapter and
 50 references to the department of education or the

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1 director of the department of education under other
 2 provisions of law relating to this chapter shall mean
 3 the college student aid commission.

4 2. Any moneys remaining in any account or fund
 5 under the control of the department of education at the
 6 conclusion of the fiscal year beginning July 1, 2012,
 7 relative to the provisions of this chapter shall be
 8 transferred to the control of the college student aid
 9 commission for such purposes. Notwithstanding section
 10 8.33, the moneys transferred in accordance with this

11 subsection shall not revert to the account or fund from
12 which appropriated or transferred.

13 3. Any contract entered into by the department of
14 education relating to the provisions of this chapter in
15 effect at the conclusion of the fiscal year beginning
16 July 1, 2012, shall continue in full force and effect
17 pending transfer of such contracts to the college
18 student aid commission.

19 4. Any rule, regulation, form, order, or directive
20 promulgated by the department of education relative
21 to the provisions of this chapter in existence at the
22 conclusion of the fiscal year beginning July 1, 2012,
23 shall continue in full force and effect until amended,
24 repealed, or supplemented by affirmative action of
25 the college student aid commission under the duties
26 and powers established in this chapter and under the
27 procedure established in subsection 5.

28 5. In regard to updating references and format in
29 the Iowa administrative code in order to correspond
30 to the transferring of duties of this chapter, the
31 administrative rules coordinator and the administrative
32 rules review committee, in consultation with the
33 administrative code editor, shall jointly develop
34 a schedule for the necessary updating of the Iowa
35 administrative code.

36 Sec. 48. Section 261B.3A, subsection 2, Code 2011,
37 is amended to read as follows:

38 2. A practitioner preparation program operated
39 by a school that applies to register the program
40 in accordance with this chapter shall, in order to
41 register, be accredited by an agency or organization
42 approved or recognized by the United States department
43 of education or a successor agency, ~~be approved by the~~
44 ~~state board of education pursuant to section 256.7,~~
45 ~~subsection 3,~~ and, subsequently, be approved for
46 operation by the commission.

47 Sec. 49. NEW SECTION. 261E.1A Transfer of
48 authority and duties.

49 1. Beginning July 1, 2013, the authority and
50 duties of the department of education, the state board

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1 of education, and the director of the department of
2 education under this chapter shall be transferred to
3 the state board of regents. Accordingly, beginning
4 July 1, 2013, all references to the department of
5 education, the state board of education, or the
6 director of the department of education under this
7 chapter and references to the department of education,
8 state board of education, or director of the department
9 of education under other provisions of law relating to

10 this chapter shall mean the state board of regents.

11 2. Any moneys remaining in any account or fund
 12 under the control of the department of education at
 13 the conclusion of the fiscal year beginning July 1,
 14 2012, relative to the provisions of this chapter shall
 15 be transferred to the control of the state board of
 16 regents for such purposes. Notwithstanding section
 17 8.33, the moneys transferred in accordance with this
 18 subsection shall not revert to the account or fund from
 19 which appropriated or transferred.

20 3. Any contract entered into by the department of
 21 education relating to the provisions of this chapter in
 22 effect at the conclusion of the fiscal year beginning
 23 July 1, 2012, shall continue in full force and effect
 24 pending transfer of such contracts to the state board
 25 of regents.

26 4. Any rule, regulation, form, order, or directive
 27 promulgated by the department of education relative
 28 to the provisions of this chapter in existence at the
 29 conclusion of the fiscal year beginning July 1, 2012,
 30 shall continue in full force and effect until amended,
 31 repealed, or supplemented by affirmative action of the
 32 state board of regents under the duties and powers
 33 established in this chapter and under the procedure
 34 established in subsection 5.

35 5. In regard to updating references and format in
 36 the Iowa administrative code in order to correspond
 37 to the transferring of duties of this chapter, the
 38 administrative rules coordinator and the administrative
 39 rules review committee, in consultation with the
 40 administrative code editor, shall jointly develop
 41 a schedule for the necessary updating of the Iowa
 42 administrative code.

43 Sec. 50. Section 262.9, subsection 27, Code
 44 Supplement 2011, is amended to read as follows:

45 27. Explore, ~~in conjunction with the department~~
 46 ~~of education,~~ the need for coordination between
 47 school districts, area education agencies, state
 48 board of regents institutions, and community
 49 colleges for purposes of delivery of courses, use of
 50 telecommunications, transportation, and other similar

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1 issues. Coordination may include but is not limited
 2 to coordination of calendars, programs, schedules, or
 3 telecommunications emissions. The state board shall
 4 develop recommendations as necessary, which shall be
 5 submitted in a report to the general assembly on a
 6 timely basis.

7 Sec. 51. Section 262.9, subsection 33, unnumbered
 8 paragraph 1, Code Supplement 2011, is amended to read

9 as follows:

10 ~~In consultation with the state board of education,~~
 11 ~~establish~~ Establish and enter into a collective
 12 statewide articulation agreement with the community
 13 colleges established pursuant to chapter 260C, which
 14 shall provide for the seamless transfer of academic
 15 credits from a completed associate of arts or associate
 16 of science degree program offered by a community
 17 college to a baccalaureate degree program offered by an
 18 institution of higher education governed by the board.

19 The board shall also do the following:

20 Sec. 52. Section 262.9, subsection 33, paragraph i,
 21 Code Supplement 2011, is amended to read as follows:

22 i. Prepare, jointly with ~~the department of~~
 23 ~~education and~~ the liaison advisory committee on
 24 transfer students, and submit by January 15 annually
 25 to the general assembly, an update on the articulation
 26 efforts and activities implemented by the community
 27 colleges and the institutions of higher education
 28 governed by the board.

29 Sec. 53. Section 262.71, subsection 9, Code 2011,
 30 is amended by striking the subsection.

31 Sec. 54. Section 266.39C, subsection 2, paragraph
 32 a, subparagraph (5), Code Supplement 2011, is amended
 33 to read as follows:

34 (5) One representative of community colleges,
 35 appointed by the ~~state board of education~~ governor.

36 Sec. 55. Section 266.39C, subsection 6, Code
 37 Supplement 2011, is amended to read as follows:

38 6. The Iowa energy center shall ~~cooperate with~~
 39 ~~the state board of education in developing~~ develop
 40 a curriculum which promotes energy efficiency and
 41 conservation.

42 Sec. 56. Section 272.1, subsection 4, Code 2011, is
 43 amended by striking the subsection.

44 Sec. 57. NEW SECTION. 272.1A Transfer of authority
 45 and duties.

46 1. Beginning July 1, 2013, the authority and
 47 duties of the department of education, the state board
 48 of education, and the director of the department of
 49 education under this chapter shall be transferred to
 50 the board of educational examiners. Accordingly,

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1 beginning July 1, 2013, all references to the
 2 department of education, the state board of education,
 3 or the director of the department of education under
 4 this chapter and references to the department of
 5 education, state board of education, or director of
 6 the department of education under other provisions of
 7 law relating to this chapter shall mean the board of

8 educational examiners.

9 2. Any moneys remaining in any account or fund
10 under the control of the department of education at the
11 conclusion of the fiscal year beginning July 1, 2012,
12 relative to the provisions of this chapter shall be
13 transferred to the control of the board of educational
14 examiners for such purposes. Notwithstanding section
15 8.33, the moneys transferred in accordance with this
16 subsection shall not revert to the account or fund from
17 which appropriated or transferred.

18 3. Any contract entered into by the department of
19 education relating to the provisions of this chapter in
20 effect at the conclusion of the fiscal year beginning
21 July 1, 2012, shall continue in full force and effect
22 pending transfer of such contracts to the board of
23 educational examiners.

24 Sec. 58. Section 272.3, Code 2011, is amended to
25 read as follows:

26 272.3 Membership.

27 1. The board of educational examiners consists of
28 twelve members. Two must be members of the general
29 public, ~~one must be the director of the department of~~
30 ~~education or the director's designee~~, and the remaining
31 ~~nine ten~~ members must be licensed practitioners. One
32 of the public members shall have served on a school
33 board. The public members shall never have held a
34 practitioner's license, but shall have a demonstrated
35 interest in education. The ~~nine ten~~ practitioners
36 shall be selected from the following areas and
37 specialties of the teaching profession:

- 38 a. Elementary teachers.
- 39 b. Secondary teachers.
- 40 c. Special education or other similar teachers.
- 41 d. Counselors or other special purpose
42 practitioners.
- 43 e. Administrators.
- 44 f. School service personnel.

45 2. A majority of the licensed practitioner members
46 shall be nonadministrative practitioners. Four of the
47 members shall be administrators. Membership of the
48 board shall comply with the requirements of sections
49 69.16 and 69.16A. A quorum of the board shall consist
50 of six members. Members shall elect a chairperson

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1 of the board. Members, ~~except for the director~~
2 ~~of the department of education or the director's~~
3 ~~designee~~, shall be appointed by the governor subject to
4 confirmation by the senate.

5 Sec. 59. Section 272.4, subsection 1, unnumbered
6 paragraph 1, Code 2011, is amended to read as follows:

7 Members, ~~except for the director of the department~~
 8 ~~of education or the director's designee~~, shall be
 9 appointed to serve staggered terms of four years.
 10 A member shall not serve more than two consecutive
 11 terms, ~~except for the director of the department of~~
 12 ~~education or the director's designee, who shall serve~~
 13 ~~until the director's term of office expires.~~ A member
 14 of the board, except for the two public members ~~and~~
 15 ~~the director of the department of education or the~~
 16 ~~director's designee~~, shall hold a valid practitioner's
 17 license during the member's term of office. A vacancy
 18 exists when any of the following occur:

19 Sec. 60. Section 272.25, subsections 3, 4, and 8,
 20 Code 2011, are amended to read as follows:

21 3. A requirement that the program include
 22 instruction in skills and strategies to be used in
 23 classroom management of individuals, and of small and
 24 large groups, under varying conditions; ~~and~~ skills for
 25 communicating and working constructively with pupils,
 26 teachers, administrators, and parents; ~~and skills for~~
 27 ~~understanding the role of the board of education and~~
 28 ~~the functions of other education agencies in the state.~~
 29 ~~The requirement shall be based upon recommendations of~~
 30 ~~the department of education after consultation with~~
 31 ~~teacher education faculty members in colleges and~~
 32 ~~universities.~~

33 4. A requirement that prescribes minimum
 34 experiences and responsibilities to be accomplished
 35 during the student teaching experience by the student
 36 teacher and by the cooperating teacher ~~based upon~~
 37 ~~recommendations of the department of education after~~
 38 ~~consultation with teacher education faculty members~~
 39 ~~in colleges and universities.~~ The student teaching
 40 experience shall include opportunities for the student
 41 teacher to become knowledgeable about the Iowa teaching
 42 standards, including a mock evaluation performed by
 43 the cooperating teacher. The mock evaluation shall
 44 not be used as an assessment tool by the practitioner
 45 preparation program. The student teaching experience
 46 shall consist of interactive experiences involving the
 47 college or university personnel, the student teacher,
 48 the cooperating teacher, and administrative personnel
 49 from the cooperating teacher's school district.

50 8. A requirement that an approved practitioner

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1 preparation institution submit evidence that the
 2 college ~~or department of education~~ is communicating
 3 with other colleges or departments in the institution
 4 so that practitioner preparation students may integrate
 5 teaching methodology with subject matter areas of

6 specialization.

7 Sec. 61. NEW SECTION. 273.1A Transfer of authority
8 and duties.

9 1. Beginning July 1, 2013, the authority and
10 duties of the department of education, the state board
11 of education, and the director of the department of
12 education under this chapter shall, to the extent
13 feasible, be transferred to the area education agency
14 boards of directors in this state. Accordingly,
15 beginning July 1, 2013, all references to the
16 department of education, the state board of education,
17 and the director of the department of education
18 under this chapter and references to the department
19 of education, the state board of education, and the
20 director of the department of education under other
21 provisions of law relating to this chapter shall
22 mean the applicable area education agency board of
23 directors.

24 2. Any rule, regulation, form, order, or directive
25 promulgated by the department of education relative
26 to the provisions of this chapter in existence at the
27 conclusion of the fiscal year beginning July 1, 2012,
28 shall continue in full force and effect.

29 Sec. 62. NEW SECTION. 274.1A Transfer of authority
30 and duties.

31 1. Beginning July 1, 2013, the authority and duties
32 of the department of education and the director of
33 the department of education under this chapter shall,
34 to the extent feasible, be transferred to the area
35 education agency boards of directors in this state.
36 Accordingly, beginning July 1, 2013, all references
37 to the department of education and the director of
38 the department of education under this chapter and
39 references to the department of education and the
40 director of the department of education under other
41 provisions of law relating to this chapter shall
42 mean the applicable area education agency board of
43 directors.

44 2. Any rule, regulation, form, order, or directive
45 promulgated by the department of education or the
46 director of the department of education relative to
47 the provisions of this chapter in existence at the
48 conclusion of the fiscal year beginning July 1, 2012,
49 shall continue in full force and effect.

50 Sec. 63. NEW SECTION. 275.1A Transfer of authority

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1 and duties.

2 1. Beginning July 1, 2013, the authority and
3 duties of the department of education, the state board
4 of education, and the director of the department of

5 education under this chapter shall, to the extent
6 feasible, be transferred to the area education agency
7 boards of directors in this state. Accordingly,
8 beginning July 1, 2013, all references to the
9 department of education, the state board of education,
10 and the director of the department of education
11 under this chapter and references to the department
12 of education, the state board of education, and the
13 director of the department of education under other
14 provisions of law relating to this chapter shall
15 mean the applicable area education agency board of
16 directors.

17 2. Any rule, regulation, form, order, or directive
18 promulgated by the department of education, the state
19 board of education, or the director of the department
20 of education relative to the provisions of this chapter
21 in existence at the conclusion of the fiscal year
22 beginning July 1, 2012, shall continue in full force
23 and effect.

24 Sec. 64. Section 276.3, subsections 5 and 9, Code
25 2011, are amended by striking the subsections.

26 Sec. 65. Section 279.51, subsection 1, unnumbered
27 paragraph 1, Code Supplement 2011, is amended to read
28 as follows:

29 There is appropriated from the general fund of the
30 state to the department of ~~education~~ education management for the
31 fiscal year beginning July 1, 2007, and each succeeding
32 fiscal year, the sum of twelve million six hundred six
33 thousand one hundred ninety-six dollars. The moneys
34 shall be allocated as follows:

35 Sec. 66. NEW SECTION. 279.68 Transfer of authority
36 and duties.

37 1. Beginning July 1, 2013, the authority and
38 duties of the department of education, the state board
39 of education, and the director of the department of
40 education under this chapter, to the extent feasible,
41 shall be transferred to the boards of directors
42 for the respective school districts in the state.
43 Accordingly, beginning July 1, 2013, all references
44 to the department of education, the state board of
45 education, and the director of the department of
46 education under this chapter and references to the
47 department of education, the state board of education,
48 and the director of the department of education under
49 other provisions of law relating to this chapter shall
50 mean the applicable board of directors of the school

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1 district.

2 2. Any rule, regulation, form, order, or directive
3 promulgated by the department of education, the state

4 board of education, or the director of the department
5 of education relative to the provisions of this chapter
6 in existence at the conclusion of the fiscal year
7 beginning July 1, 2012, shall continue in full force
8 and effect.

9 Sec. 67. NEW SECTION. 280.1A Transfer of authority
10 and duties.

11 1. Beginning July 1, 2013, the authority and
12 duties of the department of education, the state board
13 of education, and the director of the department of
14 education under this chapter, to the extent feasible,
15 shall be transferred to the boards of directors
16 for the respective school districts in the state.
17 Accordingly, beginning July 1, 2013, all references
18 to the department of education, the state board of
19 education, and the director of the department of
20 education under this chapter and references to the
21 department of education, the state board of education,
22 and the director of the department of education under
23 other provisions of law relating to this chapter shall
24 mean the applicable board of directors of the school
25 district.

26 2. Any rule, regulation, form, order, or directive
27 promulgated by the department of education, the state
28 board of education, or the director of the department
29 of education relative to the provisions of this chapter
30 in existence at the conclusion of the fiscal year
31 beginning July 1, 2012, shall continue in full force
32 and effect.

33 Sec. 68. NEW SECTION. 282.1A Transfer of authority
34 and duties.

35 1. Beginning July 1, 2013, the authority and
36 duties of the department of education, the state board
37 of education, and the director of the department of
38 education under this chapter, to the extent feasible,
39 shall be transferred to the boards of directors
40 for the respective school districts in the state.
41 Accordingly, beginning July 1, 2013, all references
42 to the department of education, the state board of
43 education, and the director of the department of
44 education under this chapter and references to the
45 department of education, the state board of education,
46 and the director of the department of education under
47 other provisions of law relating to this chapter shall
48 mean the applicable board of directors of the school
49 district.

50 2. Any rule, regulation, form, order, or directive

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1 promulgated by the department of education, the state
2 board of education, or the director of the department
3 of education relative to the provisions of this chapter
4 in existence at the conclusion of the fiscal year
5 beginning July 1, 2012, shall continue in full force
6 and effect.

7 Sec. 69. Section 282.18, subsections 5 and 13, Code
8 2011, are amended to read as follows:

9 5. Open enrollment applications filed after March
10 1 of the preceding school year that do not qualify
11 for good cause as provided in subsection 4 shall be
12 subject to the approval of the board of the resident
13 district and the board of the receiving district. The
14 parent or guardian shall send notification to the
15 district of residence and the receiving district that
16 the parent or guardian seeks to enroll the parent's or
17 guardian's child in the receiving district. ~~A decision
18 of either board to deny an application filed under this
19 subsection involving repeated acts of harassment of
20 the student or serious health condition of the student
21 that the resident district cannot adequately address
22 is subject to appeal under section 290.1. The state
23 board shall exercise broad discretion to achieve just
24 and equitable results that are in the best interest of
25 the affected child or children.~~

26 13. If a request under this section is for transfer
27 to a laboratory school, as described in chapter
28 265, the student, who is the subject of the request,
29 shall not be included in the basic enrollment of the
30 student's district of residence, and the laboratory
31 school shall report the enrollment of the student
32 directly to the department of ~~education~~ management,
33 unless the number of students from the district
34 attending the laboratory school during the current
35 school year, as a result of open enrollment under this
36 section, exceeds the number of students enrolled in
37 the laboratory school from that district during the
38 1989–1990 school year. If the number of students
39 enrolled in the laboratory school from a district
40 during the current year exceeds the number of students
41 enrolled from that district during the 1989–1990 school
42 year, those students who represent the difference
43 between the current and the 1988–1989 school year
44 enrollment figures shall be included in the basic
45 enrollment of the students' districts of residence
46 and the districts shall retain any moneys received
47 as a result of the inclusion of the student in the
48 district enrollment. The total number of students
49 enrolled at a laboratory school during a school year
50 shall not exceed six hundred seventy students. The

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1 regents institution operating the laboratory school and
2 the board of directors of the school district in the
3 community in which the regents institution is located
4 shall develop a student transfer policy designed to
5 protect and promote the quality and integrity of the
6 teacher education program at the laboratory school, the
7 viability of the education program of the local school
8 district in which the regents institution is located,
9 and to indicate the order in which and reasons why
10 requests to transfer to a laboratory school shall be
11 considered. A laboratory school may deny a request for
12 transfer under the policy. ~~A denial of a request to
13 transfer under this subsection is not subject to appeal
14 under section 290.1.~~

15 Sec. 70. Section 283.1, Code 2011, is amended to
16 read as follows:

17 283.1 Federal funds accepted.
18 The director of the department of ~~education~~
19 management is the "state educational authority" for
20 the purpose of accepting and administering funds
21 appropriated by Congress for educational purposes
22 and the funds shall be deposited with the treasurer
23 of state and disbursed through the department of
24 administrative services on vouchers audited as provided
25 by law. When state matching funds are required as
26 a condition to the acceptance of federal funds, the
27 director of the department of ~~education~~ management may
28 make expenditures for matching only from funds provided
29 by the legislature for that purpose. However, when
30 federal funds may be matched with expenditures from
31 funds appropriated for the general operation of the
32 department of ~~education~~ management, this may be done
33 with the approval of the legislative council.

34 Sec. 71. NEW SECTION. 283A.1A Transfer of
35 authority and duties.

36 1. Beginning July 1, 2013, the authority and
37 duties of the department of education, the state board
38 of education, and the director of the department of
39 education under this chapter, to the extent feasible,
40 shall be transferred to the boards of directors
41 for the respective school districts in the state.
42 Accordingly, beginning July 1, 2013, all references
43 to the department of education, the state board of
44 education, and the director of the department of
45 education under this chapter and references to the
46 department of education, the state board of education,
47 and the director of the department of education under
48 other provisions of law relating to this chapter shall
49 mean the applicable board of directors of the school
50 district.

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1 2. Any rule, regulation, form, order, or directive
2 promulgated by the department of education, the state
3 board of education, or the director of the department
4 of education relative to the provisions of this chapter
5 in existence at the conclusion of the fiscal year
6 beginning July 1, 2012, shall continue in full force
7 and effect.

8 Sec. 72. Section 283A.3, Code 2011, is amended to
9 read as follows:

10 283A.3 Expenditure of federal funds.

11 The director of the department of ~~education~~
12 management shall accept and direct the disbursement
13 of funds appropriated by any Act of Congress and
14 appropriated to the state of Iowa for use in connection
15 with school breakfast or lunch programs. The director
16 shall deposit the funds with the treasurer of the
17 state of Iowa, who shall make disbursements upon the
18 direction of the director.

19 Sec. 73. NEW SECTION. 284.1A Transfer of authority
20 and duties.

21 1. Beginning July 1, 2013, the authority and
22 duties of the department of education, the state board
23 of education, and the director of the department of
24 education under this chapter, to the extent feasible,
25 shall be transferred to the boards of directors
26 for the respective school districts in the state.

27 Accordingly, beginning July 1, 2013, all references
28 to the department of education, the state board of
29 education, and the director of the department of
30 education under this chapter and references to the
31 department of education, the state board of education,
32 and the director of the department of education under
33 other provisions of law relating to this chapter shall
34 mean the applicable board of directors of the school
35 district.

36 2. Any rule, regulation, form, order, or directive
37 promulgated by the department of education, the state
38 board of education, or the director of the department
39 of education relative to the provisions of this chapter
40 in existence at the conclusion of the fiscal year
41 beginning July 1, 2012, shall continue in full force
42 and effect.

43 Sec. 74. NEW SECTION. 284A.1A Transfer of
44 authority and duties.

45 1. Beginning July 1, 2013, the authority and
46 duties of the department of education, the state board
47 of education, and the director of the department of
48 education under this chapter, to the extent feasible,
49 shall be transferred to the boards of directors
50 for the respective school districts in the state.

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1 Accordingly, beginning July 1, 2013, all references
2 to the department of education, the state board of
3 education, and the director of the department of
4 education under this chapter and references to the
5 department of education, the state board of education,
6 and the director of the department of education under
7 other provisions of law relating to this chapter shall
8 mean the applicable board of directors of the school
9 district.

10 2. Any rule, regulation, form, order, or directive
11 promulgated by the department of education, the state
12 board of education, or the director of the department
13 of education relative to the provisions of this chapter
14 in existence at the conclusion of the fiscal year
15 beginning July 1, 2012, shall continue in full force
16 and effect.

17 Sec. 75. NEW SECTION. 285.7 Transfer of authority
18 and duties.

19 1. Beginning July 1, 2013, the authority and
20 duties of the department of education, the state board
21 of education, and the director of the department of
22 education under this chapter, to the extent feasible,
23 shall be transferred to the boards of directors
24 for the respective school districts in the state.

25 Accordingly, beginning July 1, 2013, all references
26 to the department of education, the state board of
27 education, and the director of the department of
28 education under this chapter and references to the
29 department of education, the state board of education,
30 and the director of the department of education under
31 other provisions of law relating to this chapter shall
32 mean the applicable board of directors of the school
33 district.

34 2. Any rule, regulation, form, order, or directive
35 promulgated by the department of education, the state
36 board of education, or the director of the department
37 of education relative to the provisions of this chapter
38 in existence at the conclusion of the fiscal year
39 beginning July 1, 2012, shall continue in full force
40 and effect.

41 Sec. 76. Section 291.11, Code 2011, is amended to
42 read as follows:

43 291.11 Officers reported.

44 The secretary shall report to the director of the
45 department of ~~education~~ management, the county auditor,
46 and county treasurer the name and post office address
47 of the president, treasurer and secretary of the board
48 as soon as practicable after the qualification of each.

49 Sec. 77. NEW SECTION. 292.1A Transfer of authority
50 and duties.

Page 27

1 1. Beginning July 1, 2013, the authority and duties
2 of the department of education under this chapter
3 shall be transferred to the department of revenue.
4 Accordingly, beginning July 1, 2013, all references
5 to the department of education under this chapter and
6 references to the department of education under other
7 provisions of law relating to this chapter shall mean
8 the department of revenue.

9 2. Any moneys remaining in any account or fund
10 under the control of the department of education at the
11 conclusion of the fiscal year beginning July 1, 2012,
12 relative to the provisions of this chapter shall be
13 transferred to the control of the department of revenue
14 for such purposes. Notwithstanding section 8.33, the
15 moneys transferred in accordance with this subsection
16 shall not revert to the account or fund from which
17 appropriated or transferred.

18 3. Any contract entered into by the department of
19 education relating to the provisions of this chapter in
20 effect at the conclusion of the fiscal year beginning
21 July 1, 2012, shall continue in full force and effect
22 pending transfer of such contracts to the department
23 of revenue.

24 4. Any rule, regulation, form, order, or directive
25 promulgated by the department of education relative
26 to the provisions of this chapter in existence at the
27 conclusion of the fiscal year beginning July 1, 2012,
28 shall continue in full force and effect until amended,
29 repealed, or supplemented by affirmative action of
30 the department of revenue under the duties and powers
31 established in this chapter and under the procedure
32 established in subsection 5.

33 5. In regard to updating references and format in
34 the Iowa administrative code in order to correspond
35 to the transferring of duties of this chapter, the
36 administrative rules coordinator and the administrative
37 rules review committee, in consultation with the
38 administrative code editor, shall jointly develop
39 a schedule for the necessary updating of the Iowa
40 administrative code.

41 Sec. 78. Section 294.5, Code 2011, is amended to
42 read as follows:

43 294.5 Reports.

44 The teacher shall file with the school
45 superintendent ~~and the director of the department of~~
46 ~~education~~ such reports and in such manner as may be
47 required.

48 Sec. 79. Section 296.3, Code 2011, is amended to
49 read as follows:

50 296.3 Election called.

Page 28

1 Within ten days of receipt of a petition filed under
2 section 296.2, the president of the board of directors
3 shall call a meeting of the board. The meeting shall
4 be held within thirty days after the petition was
5 received. At the meeting, the board shall call the
6 election, fixing the time of the election, which
7 may be at the time and place of holding the regular
8 school election. However, if the board determines by
9 unanimous vote that the proposition or propositions
10 requested by a petition to be submitted at an election
11 are grossly unrealistic or contrary to the needs of
12 the school district, no election shall be called. If
13 more than one petition has been received by the time
14 the board meets to consider the petition triggering
15 the meeting, the board shall act upon the petitions in
16 the order they were received at the meeting called to
17 consider the initial petition. ~~The decision of the~~
18 ~~board may be appealed to the state board of education~~
19 ~~as provided in chapter 290.~~ The president shall notify
20 the county commissioner of elections of the time of the
21 election.

22 Sec. 80. NEW SECTION. 297.37 Transfer of authority
23 and duties.

24 1. Beginning July 1, 2013, the authority and duties
25 of the department of education and the director of
26 the department of education under this chapter shall
27 be transferred to the department of administrative
28 services and the director of the department of
29 administrative services. Accordingly, beginning
30 July 1, 2013, all references to the department of
31 education and the director of the department of
32 education under this chapter and references to the
33 department of education and the director of the
34 department of education under other provisions of law
35 relating to this chapter shall mean the department
36 of administrative services or the director of the
37 department of administrative services.

38 2. Any rule, regulation, form, order, or directive
39 promulgated by the department of education or the
40 director of the department of education relative to
41 the provisions of this chapter in existence at the
42 conclusion of the fiscal year beginning July 1, 2012,
43 shall continue in full force and effect.

44 Sec. 81. Section 298A.8, Code 2011, is amended to
45 read as follows:

46 298A.8 Student activity fund.

47 The student activity fund is a special revenue
48 fund. A student activity fund must be established
49 in any school corporation receiving money from
50 student-related activities such as admissions, activity

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1 fees, student dues, student fund-raising events, or
2 other student-related cocurricular or extracurricular
3 activities. Moneys in this fund shall be used to
4 support only the cocurricular program ~~defined in~~
5 ~~department of education administrative rules.~~

6 Sec. 82. NEW SECTION. 299.25 Transfer of authority
7 and duties.

8 1. Beginning July 1, 2013, the authority and
9 duties of the department of education, the state board
10 of education, and the director of the department of
11 education under this chapter, to the extent feasible,
12 shall be transferred to the boards of directors
13 for the respective school districts in the state.
14 Accordingly, beginning July 1, 2013, all references
15 to the department of education, the state board of
16 education, and the director of the department of
17 education under this chapter and references to the
18 department of education, the state board of education,
19 and the director of the department of education under
20 other provisions of law relating to this chapter shall
21 mean the applicable board of directors of the school
22 district.

23 2. Any rule, regulation, form, order, or directive
24 promulgated by the department of education, the state
25 board of education, or the director of the department
26 of education relative to the provisions of this chapter
27 in existence at the conclusion of the fiscal year
28 beginning July 1, 2012, shall continue in full force
29 and effect.

30 Sec. 83. NEW SECTION. 299A.1A Transfer of
31 authority and duties.

32 1. Beginning July 1, 2013, the authority and
33 duties of the department of education, the state board
34 of education, and the director of the department of
35 education under this chapter, to the extent feasible,
36 shall be transferred to the boards of directors
37 for the respective school districts in the state.
38 Accordingly, beginning July 1, 2013, all references
39 to the department of education, the state board of
40 education, and the director of the department of
41 education under this chapter and references to the
42 department of education, the state board of education,
43 and the director of the department of education under
44 other provisions of law relating to this chapter shall
45 mean the applicable board of directors of the school
46 district.

47 2. Any rule, regulation, form, order, or directive
48 promulgated by the department of education, the state
49 board of education, or the director of the department
50 of education relative to the provisions of this chapter

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1 in existence at the conclusion of the fiscal year
2 beginning July 1, 2012, shall continue in full force
3 and effect.

4 Sec. 84. NEW SECTION. 301.1A Transfer of authority
5 and duties.

6 1. Beginning July 1, 2013, the authority and
7 duties of the department of education, the state board
8 of education, and the director of the department of
9 education under this chapter, to the extent feasible,
10 shall be transferred to the boards of directors
11 for the respective school districts in the state.
12 Accordingly, beginning July 1, 2013, all references
13 to the department of education, the state board of
14 education, and the director of the department of
15 education under this chapter and references to the
16 department of education, the state board of education,
17 and the director of the department of education under
18 other provisions of law relating to this chapter shall
19 mean the applicable board of directors of the school
20 district.

21 2. Any rule, regulation, form, order, or directive
22 promulgated by the department of education, the state
23 board of education, or the director of the department
24 of education relative to the provisions of this chapter
25 in existence at the conclusion of the fiscal year
26 beginning July 1, 2012, shall continue in full force
27 and effect.

28 Sec. 85. REPEAL. Sections 260C.6, 276.4, and
29 291.10, Code 2011, are repealed.

30 Sec. 86. REPEAL. Chapters 256 and 290, Code and
31 Code Supplement 2011, are repealed.

32 Sec. 87. EFFECTIVE DATE. This division of this Act
33 takes effect July 1, 2013.

34 DIVISION II

35 CORRESPONDING AMENDMENT LEGISLATION

36 Sec. 88. CORRESPONDING AMENDMENTS

37 LEGISLATION. Additional legislation is required
38 to fully implement division I of this Act. The
39 director of the department of education shall, in
40 compliance with section 2.16, prepare draft legislation
41 for submission to the legislative services agency, as
42 necessary, to implement the transition and elimination
43 of authority and duties under division I of this Act
44 and to implement the transition and elimination of
45 authority and duties under other provisions of law
46 including but not limited to the duties and authority
47 of the department of education, the state board of
48 education, the director of the department of education,
49 and any division, commission, or subunit of such
50 entities or offices under chapters 7A, 7E, 8A, 8D, 8F,

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1 11, 12, 15, 15H, 16, 19B, 22, 48A, 68B, 73, 80E, 84A,
2 85, 96, 99B, 125, 135, 139A, 141A, 142A, 154B, 154F,
3 161A, 190A, 216A, 218, 220A, 225B, 225C, 232, 234, 237,
4 237A, 237B, 239B, 241, 249A, 257, 307A, 321, 321J, 322,
5 350, 423E, 423F, 455A, 455E, 473, 514I, 714, and 904.

6 DIVISION III

7 EDUCATION FINANCE AND
8 EDUCATION SAVINGS GRANTS

9 Sec. 89. Section 8.6, Code Supplement 2011, is
10 amended by adding the following new subsection:

11 NEW SUBSECTION. 18. Education savings grant
12 applications. Adopt rules relating to applications
13 for an education savings grant pursuant to section
14 257.3B, including application processing timelines,
15 and required information for submission by a parent or
16 guardian.

17 Sec. 90. Section 12D.3, subsection 1, paragraph a,
18 Code 2011, is amended to read as follows:

19 a. Each participation agreement may require a
20 participant to agree to invest a specific amount of
21 money in the trust for a specific period of time for
22 the benefit of a specific beneficiary. A participant
23 shall not be required to make an annual contribution
24 on behalf of a beneficiary. The maximum contribution
25 that may be deducted for Iowa income tax purposes shall
26 not exceed two thousand dollars per beneficiary per
27 year adjusted annually to reflect increases in the
28 consumer price index. A contribution to an account
29 that is the result of a transfer from an account in
30 the education savings grant fund under section 257.3B
31 shall not be considered a contribution that may be
32 deducted for Iowa income tax purposes. The treasurer
33 of state shall set an account balance limit to maintain
34 compliance with section 529 of the Internal Revenue
35 Code. A contribution shall not be permitted to the
36 extent it causes the aggregate balance of all accounts
37 established for the same beneficiary to exceed the
38 applicable account balance limit.

39 Sec. 91. Section 257.1, subsection 2, Code 2011, is
40 amended by striking the subsection.

41 Sec. 92. NEW SECTION. 257.1A Transfer of authority
42 and duties.

43 1. Beginning July 1, 2013, the authority and
44 duties of the department of education, the state board
45 of education, and the director of the department of
46 education under this chapter shall be transferred to
47 the department of management and the director of the
48 department of management. Accordingly, beginning July
49 1, 2013, all references to the department of education
50 under this chapter and references to the department of

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1 education under other provisions of law relating to
2 this chapter shall mean the department of management
3 and all references to the state board of education or
4 the director of the department of education under this
5 chapter or other provisions of law relating to this
6 chapter shall mean the director of the department of
7 management.

8 2. Any moneys remaining in any account or fund
9 under the control of the department of education at
10 the conclusion of the fiscal year beginning July 1,
11 2012, relative to the provisions of this chapter shall
12 be transferred to the control of the department of
13 management for such purposes. Notwithstanding section
14 8.33, the moneys transferred in accordance with this
15 subsection shall not revert to the account or fund from
16 which appropriated or transferred.

17 3. Any contract entered into by the department of
18 education relating to the provisions of this chapter in
19 effect at the conclusion of the fiscal year beginning
20 July 1, 2012, shall continue in full force and effect
21 pending transfer of such contracts to the department of
22 management.

23 4. Any rule, regulation, form, order, or directive
24 promulgated by the department of education relative
25 to the provisions of this chapter in existence at the
26 conclusion of the fiscal year beginning July 1, 2012,
27 shall continue in full force and effect until amended,
28 repealed, or supplemented by affirmative action of the
29 department of management under the duties and powers
30 established in this chapter and under the procedure
31 established in subsection 5.

32 5. In regard to updating references and format in
33 the Iowa administrative code in order to correspond
34 to the transferring of duties of this chapter, the
35 administrative rules coordinator and the administrative
36 rules review committee, in consultation with the
37 administrative code editor, shall jointly develop
38 a schedule for the necessary updating of the Iowa
39 administrative code.

40 Sec. 93. Section 257.2, subsections 3, 5, 6, and
41 10, Code 2011, are amended by striking the subsections.

42 Sec. 94. Section 257.2, subsection 9, paragraph a,
43 Code 2011, is amended to read as follows:

44 a. ~~Foundation aid Tuition collected by the school~~
45 ~~district pursuant to section 257.3A.~~

46 Sec. 95. Section 257.3, subsection 1, paragraph b,
47 Code 2011, is amended by striking the paragraph.

48 Sec. 96. NEW SECTION. 257.3A Education savings
49 grant — tuition.

50 A school district may collect as tuition from each

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1 pupil enrolled in the school district an amount not
2 to exceed the education savings grant received by the
3 pupil for that school year under section 257.3B.

4 Sec. 97. NEW SECTION. 257.3B Education savings
5 grant program.

6 1. Pupils residing in this state eligible to enroll
7 in grades kindergarten through twelve, and enrolled
8 in a public school, attending an accredited nonpublic
9 school, or receiving competent private instruction
10 under chapter 299A shall be eligible to receive an
11 education savings grant in the manner provided in this
12 section for school years beginning on or after July 1,
13 2013. Education savings grants shall be available for
14 disbursement to parents and guardians for the payment
15 of qualified education expenses as provided in this
16 section.

17 2. a. (1) By January 31 preceding the school year
18 for which the education savings grant is requested, the
19 parent or guardian of the pupil requesting to receive
20 an education savings grant shall submit an application
21 to the department of management, on application forms
22 developed by the department, indicating that the parent
23 or guardian intends to enroll the pupil in either a
24 public school or an accredited nonpublic school, or
25 provide competent private instruction for the pupil
26 under chapter 299A.

27 (2) In addition to such information deemed
28 appropriate by the department of management, the
29 application shall require the following information:

30 (a) Certification from the public school or the
31 accredited nonpublic school of the pupil's enrollment
32 for the following school year, or a statement
33 indicating the parent or guardian's intent to provide
34 or arrange for competent private instruction for the
35 pupil for the following school year.

36 (b) Certification from the parent or guardian of
37 the pupil that an account has been established in the
38 pupil's name in the Iowa education savings plan trust
39 pursuant to chapter 12D.

40 b. By March 1 preceding the school year for
41 which the education savings grant is requested, the
42 department of management shall certify the number
43 of pupils in each school district designated for the
44 following school year to receive an education savings
45 grant. The department of management shall also notify
46 the parent or guardian of such pupils who are approved
47 to receive an education savings grant.

48 c. Education savings grants shall only be approved
49 for one school year and applications must be submitted
50 under paragraph "a" for education savings grants in

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1 subsequent school years.
2 3. a. The department of management shall assign
3 each pupil an education savings grant of three thousand
4 seven hundred dollars.
5 b. The department of management shall on July 1
6 transfer such amounts to the pupil's account in the
7 Iowa education savings grant fund established under
8 subsection 4. Such amount shall be available for
9 disbursement to the pupil's parent or guardian for the
10 payment of qualified educational expenses incurred by
11 such persons for the pupil during that school year.
12 4. An Iowa education savings grant fund is
13 created in the state treasury under the control of
14 the department of management consisting of moneys
15 appropriated to the department for the purpose of
16 providing education savings grants under this section.
17 For the fiscal year commencing July 1, 2013, and each
18 succeeding fiscal year, there is appropriated from
19 the general fund of the state to the department of
20 management the amount necessary to pay all education
21 savings grants approved for that fiscal year. The
22 director of the department of management has all powers
23 necessary to carry out and effectuate the purposes,
24 objectives, and provisions of this section pertaining
25 to the fund, including the power to do all of the
26 following:
27 a. Make and enter into contracts necessary for the
28 administration of the fund.
29 b. Procure insurance against any loss in connection
30 with the assets of the fund.
31 c. Make disbursements from a pupil's account within
32 the fund to the pupil's parents or guardians for the
33 payment of qualified educational expenses.
34 d. Make transfers to pupils' Iowa education savings
35 plan trust accounts established under chapter 12D.
36 e. Adopt rules pursuant to chapter 17A for the
37 administration of the fund and accounts within the
38 fund.
39 5. a. For each pupil approved for an education
40 savings grant, the department shall establish an
41 account for that pupil in the education savings grant
42 fund. The amount of the pupil's education savings
43 grant shall be deposited into the pupil's account on
44 July 1 and such amount shall be immediately available
45 for disbursement to parents and guardians upon filing
46 and approval of claims from the pupil's account for
47 qualified education expenses incurred by the parent or
48 guardian for the pupil during that fiscal year.
49 b. A parent or guardian of a pupil may on forms
50 prescribed by the department of management submit

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1 claims for disbursements of moneys within the account.
2 The department may by rule designate the appropriate
3 supporting documentation necessary for the disbursement
4 of moneys in an account including but not limited to
5 invoices of amounts due and receipts of amounts paid
6 for qualified education expenses.

7 c. The department of management shall upon
8 conclusion of the fiscal year and disbursement of
9 all claims submitted by a parent or guardian before
10 conclusion of the fiscal year transfer any remaining
11 amounts in the pupil's account within the education
12 savings grant fund to the pupil's Iowa education
13 savings plan trust account pursuant to chapter 12D.

14 6. For purposes of this section, "qualified
15 educational expense" includes tuition at a public
16 school collected under section 257.3A, tuition and
17 fees at an accredited nonpublic school, textbooks,
18 payment to a licensed or accredited tutor, curriculum
19 materials, tuition or fees for nonpublic online
20 education programs, education materials and services
21 for pupils with disabilities, standardized test fees,
22 and other expenses incurred by the parent or guardian
23 that are directly related to the education of the pupil
24 at a public school or an accredited nonpublic school
25 or directly related to providing competent private
26 instruction for the pupil under chapter 299A.

27 7. A person who makes a false claim for the purpose
28 of obtaining an education savings grant provided
29 for in this section or who knowingly receives the
30 grant without being legally entitled to it is guilty
31 of a fraudulent practice. The false claim for an
32 education savings grant shall be disallowed and if
33 amounts from the grant have been disbursed from the
34 applicable account in the education savings grant
35 fund or transferred to an Iowa education savings plan
36 trust account under chapter 12D, the department of
37 management shall initiate legal proceedings to recover
38 such amounts.

39 Sec. 98. Section 257.4, subsection 1, paragraph a,
40 Code 2011, is amended to read as follows:

41 a. A school district shall cause an additional
42 property tax to be levied each year. The rate of
43 the additional property tax levy in a school district
44 shall be determined by the department of management and
45 shall be calculated to raise the difference between
46 the ~~combined district cost~~ school district's total
47 certified budget for the budget year and the sum of the
48 following:

49 (1) ~~The product of the regular program foundation~~
50 ~~base per pupil times the weighted enrollment in the~~

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1 ~~district~~ The amount raised by the foundation property
 2 tax for the budget year in the school district.

3 (2) ~~The product of special education support~~
 4 ~~services foundation base per pupil times the special~~
 5 ~~education support services weighted enrollment in the~~
 6 ~~district~~ The total amount of tuition collected from
 7 pupils within the district for the budget year pursuant
 8 to section 257.3A.

9 (3) The total teacher salary supplement district
 10 cost.

11 (4) The total professional development supplement
 12 district cost.

13 (5) The total early intervention supplement
 14 district cost.

15 (6) The total area education agency teacher salary
 16 supplement district cost.

17 (7) The total area education agency professional
 18 development supplement district cost.

19 Sec. 99. Section 257.4, subsection 1, paragraph b,
 20 Code 2011, is amended by striking the paragraph.

21 Sec. 100. Section 257.4, subsection 2, Code 2011,
 22 is amended by striking the subsection.

23 Sec. 101. Section 257.6, subsection 1, paragraph
 24 a, Code 2011, is amended by adding the following new
 25 subparagraph:

26 NEW SUBPARAGRAPH. (8) Resident pupils receiving
 27 an education savings grant pursuant to section 257.3B
 28 and not included in the actual enrollment under another
 29 provision of this paragraph.

30 Sec. 102. Section 257.6, subsections 3 and 5, Code
 31 2011, are amended by striking the subsections.

32 Sec. 103. Section 257.7, subsection 1, Code 2011,
 33 is amended to read as follows:

34 1. Budgets. School districts are subject to
 35 chapter 24. The authorized expenditures of a school
 36 district ~~during a base year~~ shall not exceed ~~the lesser~~
 37 ~~of the budget for that year certified under section~~
 38 ~~24.17 plus any allowable amendments permitted in this~~
 39 ~~section, or the authorized certified budget, which is~~
 40 ~~the sum of the combined district cost for that year,~~
 41 including the actual miscellaneous income received for
 42 that year, and the actual unspent balance from the
 43 preceding year.

44 Sec. 104. Section 257.8, subsections 1, 3, 4, 5, 6,
 45 and 7, Code Supplement 2011, are amended by striking
 46 the subsections.

47 Sec. 105. Section 257.9, subsections 1 through 5,
 48 Code 2011, are amended by striking the subsections.

49 Sec. 106. Section 257.10, subsections 1 through 8,
 50 Code 2011, are amended by striking the subsections.

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1 Sec. 107. Section 257.16, subsections 1 and 4, Code
2 2011, are amended to read as follows:

3 1. There is appropriated each year from the general
4 fund of the state an amount necessary to pay the
5 foundation aid ~~and education savings grants~~ under this
6 chapter, ~~and the preschool foundation aid under chapter~~
7 ~~256C, supplementary aid under section 257.4, subsection~~
8 ~~2, and adjusted additional property tax levy aid under~~
9 ~~section 257.15, subsection 4.~~

10 4. Notwithstanding any provision to the contrary,
11 if the governor orders budget reductions in accordance
12 with section 8.31, the teacher salary supplement
13 district cost, the professional development supplement
14 district cost, and the early intervention supplement
15 district cost as calculated under section 257.10,
16 subsections 9, 10, and 11, and the area education
17 agency teacher salary supplement district cost and
18 the area education agency professional development
19 supplement district cost as calculated under section
20 257.37A, subsections 1 and 2, shall be paid in full as
21 calculated and the reductions in the appropriations
22 provided in accordance with this section shall be
23 reduced from the remaining moneys appropriated pursuant
24 to this section and shall be distributed on a per
25 pupil basis ~~calculated with the weighted enrollment~~
26 ~~determined in accordance with section 257.6, subsection~~
27 ~~5.~~

28 Sec. 108. Section 257.30, Code 2011, is amended to
29 read as follows:

30 257.30 School budget review committee.

31 1. A school budget review committee is established
32 in the department of ~~education management~~ and consists
33 of the director of the department of ~~education~~
34 ~~management~~ in an ex officio, nonvoting capacity, ~~the~~
35 ~~director of the department of management~~, and four
36 members who are knowledgeable in the areas of Iowa
37 school finance or public finance issues appointed
38 by the governor to represent the public. At least
39 one of the public members shall possess a master's
40 or doctoral degree in which areas of school finance,
41 economics, or statistics are an integral component,
42 or shall have equivalent experience in an executive
43 administrative or senior research position in the
44 education or public administration field. The members
45 appointed by the governor shall serve staggered
46 three-year terms beginning and ending as provided in
47 section 69.19 and are subject to senate confirmation as
48 provided in section 2.32. The committee shall meet and
49 hold hearings each year and shall continue in session
50 until it has reviewed budgets of school districts, as

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1 provided in section 257.31. The committee may call
2 in school board members and employees as necessary
3 for the hearings. The committee's scheduled hearing
4 agendas and the minutes of such hearings shall be
5 posted on the department of education's internet site.
6 Legislators shall be notified of hearings concerning
7 school districts in their legislative districts.

8 2. The committee shall adopt its own rules of
9 procedure under chapter 17A. The director of the
10 department of ~~education~~ management shall serve as
11 chairperson, and ~~the a public member designated by the~~
12 director of the department of management shall serve
13 as secretary. The committee members representing the
14 public are entitled to receive their necessary expenses
15 while engaged in their official duties. Members shall
16 be paid a per diem at the rate specified in section
17 7E.6. Per diem and expense payments shall be made
18 from appropriations to the department of ~~education~~
19 management.

20 3. The department of ~~education~~ management shall
21 employ a staff member to assist the school budget
22 review committee.

23 Sec. 109. Section 257.34, Code 2011, is amended to
24 read as follows:

25 257.34 Cash reserve information.

26 If a school district receives less state ~~school~~
27 ~~foundation aid under section 257.1~~ than is due under
28 ~~that section this chapter~~ for a base year and the
29 school district uses funds from its cash reserve during
30 the base year to make up for the amount of state aid
31 not paid, the board of directors of the school district
32 shall include in its general fund budget document
33 information about the amount of the cash reserve used
34 to replace state ~~school foundation~~ aid not paid.

35 Sec. 110. Section 257.37A, subsection 1, paragraph
36 c, subparagraph (1), Code 2011, is amended to read as
37 follows:

38 (1) The unadjusted area education agency teacher
39 salary supplement district cost is the area education
40 agency teacher salary supplement district cost per
41 pupil for each area education agency for a budget year
42 multiplied by the special education support services
43 ~~weighted~~ enrollment for that area education agency.

44 Sec. 111. Section 257.37A, subsection 2, paragraph
45 c, subparagraph (1), Code 2011, is amended to read as
46 follows:

47 (1) The unadjusted area education agency
48 professional development supplement district cost is
49 the area education agency professional development
50 supplement district cost per pupil for each area

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1 education agency for a budget year multiplied by the
2 special education support services ~~weighted~~ enrollment
3 for that area education agency.

4 Sec. 112. REPEAL. Sections 257.5, 257.11, 257.11A,
5 257.12, 257.13, 257.14, 257.15, 257.16A, 257.18,
6 257.19, 257.20, 257.21, 257.22, 257.23, 257.24, 257.25,
7 257.26, 257.27, 257.28, 257.29, 257.38, 257.39, 257.40,
8 257.41, 257.42, 257.43, 257.44, 257.45, 257.46, 257.47,
9 257.48, and 257.49, Code 2011, are repealed.

10 Sec. 113. APPLICABILITY. This division of this
11 Act applies to school budget years and fiscal years
12 beginning on or after July 1, 2013.

13 Sec. 114. EFFECTIVE DATE. This division of this
14 Act takes effect July 1, 2013.

15 DIVISION IV

16 CORRESPONDING AMENDMENTS LEGISLATION

17 Sec. 115. CORRESPONDING AMENDMENTS
18 LEGISLATION. Additional legislation is required
19 to fully implement division III of this Act. The
20 director of the department of education shall, in
21 compliance with section 2.16, prepare draft legislation
22 for submission to the legislative services agency, as
23 necessary, to implement the transition and elimination
24 of authority and duties of the department of education,
25 the state board of education, and director of the
26 department of education under division III of this Act,
27 to implement the school finance modifications under
28 division III of this Act, to implement the education
29 savings grant program created in division III of this
30 Act, and to implement the transition and elimination
31 of authority and duties under other provisions of law
32 including but not limited to the duties and authority
33 of the department of education, the state board of
34 education, the director of the department of education,
35 and any division, commission, or subunit of such
36 entities or offices under chapters 11, 24, 256B, 256C,
37 256D, 256F, 257, 260C, 261E, 273, 275, 279, 280, 282,
38 284, 284A, 285, 298, 299A, 301, 321, 331, 422, 423E,
39 and 423F.>

40 2. Title page, by striking lines 1 through 4 and
41 inserting <An Act relating to education and school
42 district funding by abolishing the department of
43 education and the state board of education, modifying
44 the duties and authority of certain state and local
45 governmental entities, establishing an education
46 savings grant program and fund, making appropriations,
47 modifying the school district funding formula,
48 providing penalties, and including effective date and
49 applicability provisions.>

BRAD ZAUN

S-5179

- 1 Amend the amendment, S-5159, to House File 2399,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, after line 13 by inserting:
 5 <__. Page 2, by striking line 33 and inserting:
 6 <5. A person who violates subsection 2, paragraph
 7 "a", or a person who conducts a scrap metal transaction
 8 by or on behalf of a scrap metal dealer who violates
 9 this section shall be subject to a >>
 - 10 2. Page 1, lines 27 and 28, by striking <law
 11 enforcement>
 - 12 3. By renumbering as necessary.

TOM HANCOCK

S-5180

- 1 Amend Senate File 2284 as follows:
 2 1. Page 6, after line 7 by inserting:
 3 <Sec. ____. Section 279.19, Code 2011, is amended to
 4 read as follows:
 5 279.19 Probationary period.
 6 1. For a teacher first employed by a school
 7 district on or after July 1, 2012, the first ~~three~~ five
 8 consecutive years of employment of ~~a~~ the teacher in ~~the~~
 9 ~~same that~~ school district are a probationary period.
 10 However, if the teacher has successfully completed a
 11 probationary period of employment for another school
 12 district located in Iowa, the probationary period in
 13 the current district of employment shall not exceed one
 14 year. A board of directors may waive the probationary
 15 period for any teacher who previously has served a
 16 probationary period in another school district and
 17 the board may extend the probationary period for an
 18 additional year with the consent of the teacher.
 19 2. In the case of the termination of a probationary
 20 teacher's contract, the provisions of sections 279.15
 21 and 279.16 shall apply. ~~However, if the probationary~~
 22 ~~teacher is a beginning teacher who fails to demonstrate~~
 23 ~~competence in the Iowa teaching standards in accordance~~
 24 ~~with chapter 284, the provisions of sections 279.17 and~~
 25 ~~279.18 shall also apply.~~
 26 3. The board's decision shall be final and binding
 27 unless the termination was based upon an alleged
 28 violation of a constitutionally guaranteed right of
 29 the teacher or an alleged violation of public employee
 30 rights of the teacher under section 20.10.
 31 4. Notwithstanding any provision to the contrary,
 32 the grievance procedures of section 20.18 relating to
 33 job performance or job retention shall not apply to a

34 teacher during the first two years of the teacher's
 35 probationary period. However, except as provided in
 36 section 284.8, this ~~paragraph~~ subsection shall not
 37 apply to a teacher who has successfully completed a
 38 probationary period in a school district in Iowa.

39 Sec. ____ Section 279.24, subsection 4, Code 2011,
 40 is amended to read as follows:

41 4. Administrators employed in a school district for
 42 less than ~~two~~ five consecutive years are probationary
 43 administrators. However, a school board may waive
 44 the probationary period for any administrator who has
 45 previously served a probationary period in another
 46 school district and the school board may extend the
 47 probationary period for an additional year with the
 48 consent of the administrator. If a school board
 49 determines that it should terminate a probationary
 50 administrator's contract, the school board shall

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1 notify the administrator not later than May 15 that
 2 the contract will not be renewed beyond the current
 3 year. The notice shall be in writing by letter,
 4 personally delivered, or mailed by certified mail. The
 5 notification shall be complete when received by the
 6 administrator. Within ~~ten~~ five days after receiving
 7 the notice, the administrator may request a private
 8 conference with the school board to discuss the
 9 reasons for termination. The school board's decision
 10 to terminate a probationary administrator's contract
 11 shall be final unless the termination was based upon
 12 an alleged violation of a constitutionally guaranteed
 13 right of the administrator.>

14 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-5181

1 Amend Senate File 2284 as follows:
 2 1. Page 31, after line 21 by inserting:
 3 <DIVISION ____
 4 SCHOOL START DATE PROVISIONS
 5 Sec. ____ Section 257.17, Code 2011, is amended to
 6 read as follows:
 7 257.17 Aid reduction for early school starts.
 8 State aid payments made pursuant to section
 9 257.16 for a fiscal year shall be reduced by one
 10 one-hundred-eightieth for each day of that fiscal year
 11 for which the school district begins school before the
 12 earliest starting date specified in section 279.10,
 13 subsection 1. However, this section does not apply to

14 a school district that has received approval from the
 15 ~~director of the department of education under section~~
 16 ~~279.10, subsection 4, to commence classes for regularly~~
 17 ~~established elementary and secondary schools in advance~~
 18 ~~of the starting date established in for a pilot program~~
 19 ~~for an innovative school year in accordance with~~
 20 section 279.10, subsection ~~4~~ 3.

21 Sec. ____ Section 279.10, subsections 1 and 2, Code
 22 2011, are amended to read as follows:

23 1. The school year shall begin on the first day
 24 of July and each regularly established elementary
 25 and secondary school shall begin no sooner than ~~a day~~
 26 ~~during the calendar week in which the first day of~~
 27 ~~September falls~~ the fourth Monday in August but no
 28 later than the first Monday in December. ~~However, if~~
 29 ~~the first day of September falls on a Sunday, school~~
 30 ~~may begin on a day during the calendar week which~~
 31 ~~immediately precedes the first day of September unless~~
 32 the school district has received approval from the
 33 department of education for a pilot program for an
 34 innovative school year in accordance with subsection 3.
 35 School shall continue for at least one hundred eighty
 36 days, except as provided in subsection 3, and may be
 37 maintained during the entire calendar year. However,
 38 if the board of directors of a district extends the
 39 school calendar because inclement weather caused the
 40 district to temporarily close school during the regular
 41 school calendar, the district may excuse a graduating
 42 senior who has met district or school requirements for
 43 graduation from attendance during the extended school
 44 calendar. A school corporation may begin employment
 45 of personnel for in-service training and development
 46 purposes before the date to begin elementary and
 47 secondary school. The earliest starting date specified
 48 in this subsection shall not apply to a school district
 49 which maintains a year around three semester school
 50 year.

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1 2. The board of directors shall hold a public
 2 hearing on any ~~proposal~~ request made pursuant to
 3 subsection 3 prior to submitting it to the department
 4 of education for approval.

5 Sec. ____ Section 279.10, subsection 4, Code 2011,
 6 is amended by striking the subsection.

7 Sec. ____ EFFECTIVE DATE. This division of this
 8 Act takes effect July 1, 2013.

9 Sec. ____ APPLICABILITY. This division of this Act
 10 is applicable for school years beginning on or after
 11 July 1, 2013.>

12 2. Title page, line 4, after <schools> by inserting

13 <and including effective date and applicability
14 provisions>
15 3. By renumbering as necessary.

DAVID JOHNSON
DICK L. DEARDEN

S-5182

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 609

1 Amend the Senate amendment, H-8388, to House File
2 609, as passed by the House, as follows:
3 1. Page 1, after line 4 by inserting:
4 <__. Page 1, after line 4 by inserting:
5 <Sec. __. Section 557.7, Code 2011, is amended to
6 read as follows:
7 557.7 Contingent remainders.
8 A Except as provided in section 558.68A, a
9 contingent remainder shall take effect, notwithstanding
10 any determination of the particular estate, in the same
11 manner in which it would have taken effect if it had
12 been an executory devise or a springing or shifting
13 use, and shall, as well as such limitations, be subject
14 to the rule respecting remoteness known as the rule
15 against perpetuities, ~~exclusive of any other supposed~~
16 ~~rule respecting limitations to successive generations~~
17 ~~or double possibilities.~~
18 Sec. __. NEW SECTION. 558.68A Exception to rule
19 against perpetuities.
20 1. Notwithstanding section 558.68, a rule of
21 law against perpetuities, a suspension of the power
22 of alienation of the title to property, or a law
23 restricting or limiting the duration of trusts shall
24 not apply with respect to any interest in real or
25 personal property held in trust if the instrument
26 creating the trust specifically states that such rule
27 or the provisions of section 558.68 shall not apply
28 to the trust and if either the trustee of the trust
29 has unlimited power to sell all trust assets or if one
30 or more persons, one of whom may be the trustee, has
31 unlimited power to terminate the entire trust.
32 2. A trust of real or personal property created
33 by an employer as part of a stock bonus plan, pension
34 plan, disability or death benefit plan, or profit
35 sharing plan, for the benefit of some or all the
36 employer's employees, to which contributions are made
37 by the employer or employees, or both, for the purposes
38 of distributing to the employees or their beneficiaries
39 the earnings or the principal, or both, of such

40 trust is not invalid as violating the rule against
 41 perpetuities or any other law restricting or limiting
 42 the duration of trusts; but the trust may continue for
 43 the time that is necessary to accomplish the purposes
 44 for which it was created.
 45 3. Subsection 1 shall be effective for interests
 46 in real or personal property in trust created by an
 47 inter vivos or testamentary trust or will executed on
 48 or after July 1, 2012, or pursuant to the exercise of
 49 a general power of appointment created on or after
 50 July 1, 2012. For the purposes of this subsection,

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- 1 "general power of appointment" means a power that is
- 2 exercisable in favor of the individual possessing the
- 3 power, the person's estate, the person's creditors, or
- 4 the creditors of the person's estate. >>
- 5 2. Page 5, line 36, after <including> by inserting
- 6 <trusts of real or personal property,>
- 7 3. By renumbering as necessary.

S-5183

HOUSE AMENDMENT TO SENATE FILE 2293

1 Amend Senate File 2293, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 34, by striking <premium> and
 4 inserting <premium, less claims paid,>
 5 2. By striking page 11, line 8, through page 15,
 6 line 14, and inserting:
 7 <Sec. ____ Section 514J.102, subsections 1 and 10,
 8 Code Supplement 2011, are amended to read as follows:
 9 1. "Adverse determination" means a determination
 10 by a health carrier that an admission, availability
 11 of care, continued stay, or other health care service
 12 that is a covered benefit has been reviewed and,
 13 based upon the information provided, does not meet the
 14 health carrier's requirements for medical necessity,
 15 appropriateness, health care setting, level of
 16 care, or effectiveness, and the requested service or
 17 payment for the service is therefore denied, reduced,
 18 or terminated. "Adverse determination" includes a
 19 denial of coverage for a dental care service that is
 20 a covered benefit that has been reviewed and, based
 21 upon the information provided, does not meet the health
 22 carrier's requirements for medical necessity, and
 23 the requested service or payment for the dental care
 24 service is therefore denied, reduced, or terminated,

25 in whole or in part. “Adverse determination” does not
26 include a denial of coverage for a service or treatment
27 specifically listed in plan or evidence of coverage
28 documents as excluded from coverage.

29 10. “Covered benefits” or “benefits” means those
30 health care services and dental care services to which
31 a covered person is entitled under the terms of a
32 health benefit plan.

33 Sec. ____ Section 514J.102, Code Supplement 2011,
34 is amended by adding the following new subsection:
35 NEW SUBSECTION. 11A. “Dental care services” means
36 services for diagnostic, preventive, maintenance, and
37 therapeutic dental care that is provided under chapter
38 153.>

39 3. Page 18, after line 12 by inserting:
40 <Sec. ____ Section 522B.12, Code 2011, is amended
41 by adding the following new subsection:
42 NEW SUBSECTION. 5. A person who enrolls in a
43 qualified health benefit plan offered in this state
44 pursuant to federal law has the option to utilize the
45 services of an insurance producer licensed pursuant
46 to chapter 522B. Qualified health benefit plans
47 offered pursuant to federal law shall pay licensed
48 insurance producers for their services at a level that
49 is commensurate with the compensation paid to insurance
50 producers for the placement, renewal, or enrollment of

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1 persons in health benefit plans offered pursuant to
2 state law.>

3 4. Page 19, after line 14 by inserting:
4 <Sec. ____ NEW SECTION. 522D.1 Definitions.
5 As used in this chapter, unless the context
6 otherwise requires:

7 1. “Commissioner” means the commissioner of
8 insurance.

9 2. “Navigator” means a public or private entity
10 or an individual that is qualified and licensed, if
11 appropriate, to engage in the activities and meet the
12 standards described in 45 C.F.R. § 155.210.

13 Sec. ____ NEW SECTION. 522D.2 License required.
14 A person shall not act as a navigator in this state
15 unless the person is licensed by the commissioner as
16 required in this chapter.

17 Sec. ____ NEW SECTION. 522D.3 Actions prohibited.
18 A navigator shall not perform the functions of a
19 person required to be licensed as an insurance producer
20 under chapter 522B unless the navigator is licensed
21 as a navigator pursuant to this chapter and as an
22 insurance producer pursuant to chapter 522B.

23 Sec. ____ NEW SECTION. 522D.4 Application for

24 examination.

25 1. An individual applying for a navigator license
26 shall pass a written examination. The examination
27 shall test the knowledge of the individual concerning
28 the duties and responsibilities of a navigator and the
29 insurance laws and regulations of this state. The
30 commissioner shall adopt rules pursuant to chapter
31 17A related to the development and conduct of the
32 examination.

33 2. The commissioner may make arrangements,
34 including contracting with an outside testing service
35 or other appropriate entity, for administering
36 examinations and collecting fees.

37 3. An individual applying for an examination shall
38 remit a nonrefundable fee as established by rule of the
39 commissioner.

40 4. An individual who fails to appear for the
41 examination as scheduled or fails to pass the
42 examination shall reapply for an examination and remit
43 all required fees and forms before being rescheduled
44 for another examination.

45 Sec. ____ NEW SECTION. 522D.5 Application for
46 license.

47 1. A person applying for a navigator license shall
48 make application to the commissioner on an application
49 form approved by the commissioner and declare under
50 penalty of refusal, suspension, or revocation of the

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1 license that the statements made on the application
2 are true, correct, and complete to the best of the
3 individual's knowledge and belief. Before approving
4 the application, the commissioner shall find all of the
5 following:

6 a. The individual is at least eighteen years of
7 age.

8 b. The individual has not committed any act that is
9 a ground for denial, suspension, or revocation as set
10 forth in section 522D.7.

11 c. The individual has paid the license fee, as
12 established by the commissioner by rule.

13 d. The individual has successfully completed the
14 initial training and education program for a license as
15 established by the commissioner by rule.

16 e. The individual has successfully passed the
17 examination as provided in section 522D.4.

18 f. In order to protect the public interest, the
19 individual has the requisite character and competence
20 to receive a license as a navigator.

21 2. A public or private entity acting as a navigator
22 may elect to obtain a navigator license. Application

23 shall be made using the application form approved by
24 the commissioner. Prior to approving the application,
25 the commissioner shall find both of the following:

26 a. The entity has paid the appropriate fees.

27 b. The entity has designated a licensed navigator
28 responsible for the entity's compliance with this
29 chapter.

30 Sec. ___. NEW SECTION. 522D.6 License.

31 1. A person who meets the requirements of sections
32 522D.4 and 522D.5, unless otherwise denied licensure
33 pursuant to section 522D.7, shall be issued a navigator
34 license. A navigator license is valid for three years.

35 2. A navigator license remains in effect unless
36 revoked or suspended as long as all required fees are
37 paid and continuing education requirements are met by
38 any applicable due date. A navigator is required to
39 complete continuing education requirements required by
40 law in order to be eligible for license renewal.

41 3. A licensed navigator who is unable to comply
42 with license renewal procedures due to military service
43 or other extenuating circumstances may request a waiver
44 of those procedures. The licensed navigator may also
45 request a waiver of any examination requirement or any
46 other penalty or sanction imposed for failure to comply
47 with renewal procedures.

48 4. The license shall contain the licensee's
49 name, address, personal identification number, the
50 date of issuance, the expiration date, and any other

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1 information the commissioner deems necessary.

2 5. A licensee shall inform the commissioner by any
3 means acceptable to the commissioner of a change of
4 legal name or address within thirty days of the change.
5 Failure to timely inform the commissioner of a change
6 of legal name or address may result in a penalty as
7 specified in section 522D.7.

8 6. The commissioner shall require by rule that
9 a licensed navigator furnish a surety bond or other
10 evidence of financial responsibility that protects all
11 persons against wrongful acts, misrepresentations,
12 errors, omissions, or negligence of the navigator.

13 7. In order to assist with the commissioner's
14 duties, the commissioner may contract with a
15 nongovernmental entity, including the national
16 association of insurance commissioners or any affiliate
17 or subsidiary the national association of insurance
18 commissioners oversees, to perform any ministerial
19 functions, including the collection of fees, related
20 to navigator licensing that the commissioner deems
21 appropriate.

22 Sec. ____ NEW SECTION. 522D.7 License denial,
 23 nonrenewal, or revocation.
 24 1. The commissioner may place on probation,
 25 suspend, revoke, or refuse to issue or renew a
 26 navigator's license or may levy a civil penalty as
 27 provided in section 522D.8 for any one or more of the
 28 following causes:
 29 a. Providing incorrect, misleading, incomplete,
 30 or materially untrue information in the license
 31 application.
 32 b. Violating any insurance laws, or violating any
 33 regulation, subpoena, or order of the commissioner or
 34 of a commissioner of another state.
 35 c. Obtaining or attempting to obtain a license
 36 through misrepresentation or fraud.
 37 d. Improperly withholding, misappropriating, or
 38 converting any moneys or properties received in the
 39 course of doing insurance business.
 40 e. Intentionally misrepresenting the terms of an
 41 actual or proposed insurance contract or application
 42 for insurance.
 43 f. Having been convicted of a felony.
 44 g. Having admitted or been found to have committed
 45 any unfair insurance trade practice or fraud.
 46 h. Using fraudulent, coercive, or dishonest
 47 practices, or demonstrating incompetence,
 48 untrustworthiness, or financial irresponsibility
 49 in the conduct of business in this state or elsewhere.
 50 i. Having a navigator license, or its equivalent,

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1 denied, suspended, or revoked in any other state,
 2 province, district, or territory.
 3 j. Forging another's name to an application for
 4 insurance or to any document related to an insurance
 5 transaction.
 6 k. Improperly using notes or any other reference
 7 material to complete an examination for a navigator
 8 license.
 9 l. Failing to comply with an administrative or
 10 court order imposing a child support obligation.
 11 m. Failing to comply with an administrative or
 12 court order related to repayment of loans to the
 13 college student aid commission.
 14 n. Failing to pay state income tax or comply with
 15 any administrative or court order directing payment of
 16 state income tax.
 17 o. Failing or refusing to cooperate in an
 18 investigation by the commissioner.
 19 2. If the commissioner does not renew a license or
 20 denies an application for a license, the commissioner
 21 shall notify the applicant or licensee and advise,

22 in writing, the licensee or applicant of the reason
23 for the nonrenewal of the license or denial of the
24 application for a license. The licensee or applicant
25 may request a hearing on the nonrenewal or denial. A
26 hearing shall be conducted according to section 507B.6.

27 3. The license of a public or private entity
28 operating as a navigator may be suspended, revoked,
29 or refused if the commissioner finds, after hearing,
30 that an individual navigator licensee's violation was
31 known or should have been known by a partner, officer,
32 or manager acting on behalf of the entity and the
33 violation was not reported to the commissioner and
34 corrective action was not taken.

35 4. In addition to, or in lieu of, any applicable
36 denial, suspension, or revocation of a license, a
37 person, after hearing, may be subject to a civil
38 penalty as provided in section 522D.8.

39 5. The commissioner may conduct an investigation
40 of any suspected violation of this chapter pursuant
41 to section 507B.6 and may enforce the provisions and
42 impose any penalty or remedy authorized by this chapter
43 and chapter 507B against any person who is under
44 investigation for, or charged with, a violation of
45 either chapter even if the person's license has been
46 surrendered or has lapsed by operation of law.

47 6. a. In order to assure a free flow of
48 information for accomplishing the purposes of this
49 section, all complaint files, investigation files,
50 other investigation reports, and other investigative

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1 information in the possession of the commissioner or
2 the commissioner's employees or agents that relates to
3 licensee discipline are privileged and confidential,
4 and are not subject to discovery, subpoena, or
5 other means of legal compulsion for their release
6 to a person other than the licensee, and are not
7 admissible in evidence in a judicial or administrative
8 proceeding other than the proceeding involving
9 licensee discipline. A final written decision of the
10 commissioner in a disciplinary proceeding is a public
11 record.

12 b. Investigative information in the possession
13 of the commissioner or the commissioner's employees
14 or agents that relates to licensee discipline may
15 be disclosed, in the commissioner's discretion, to
16 appropriate licensing authorities within this state,
17 the appropriate licensing authority in another state,
18 the District of Columbia, or a territory or country in
19 which the licensee is licensed or has applied for a
20 license.

21 c. If the investigative information in the

22 possession of the commissioner or the commissioner's
23 employees or agents indicates a crime has been
24 committed, the information shall be reported to the
25 proper law enforcement agency.

26 d. Pursuant to the provisions of section 17A.19,
27 subsection 6, upon an appeal by the licensee, the
28 commissioner shall transmit the entire record of the
29 contested case to the reviewing court.

30 e. Notwithstanding the provisions of section
31 17A.19, subsection 6, if a waiver of privilege has
32 been involuntary and evidence has been received at a
33 disciplinary hearing, the court shall issue an order to
34 withhold the identity of the individual whose privilege
35 was waived.

36 Sec. ____ NEW SECTION. 522D.8 Cease and desist
37 orders — penalties.

38 1. A navigator who, after hearing, is found to have
39 violated this chapter, may be ordered to cease and
40 desist from engaging in the conduct resulting in the
41 violation and may be assessed a civil penalty pursuant
42 to chapter 507B.

43 2. If a person does not comply with an order issued
44 pursuant to this section, the commissioner may petition
45 a court of competent jurisdiction to enforce the order.
46 The court shall not require the commissioner to post
47 a bond in an action or proceeding under this section.
48 If the court finds, after notice and opportunity for
49 hearing, that the person is not in compliance with an
50 order, the court may adjudge the person to be in civil

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1 contempt of the order. The court may impose a civil
2 penalty against the person for contempt in an amount
3 not less than three thousand dollars but not greater
4 than ten thousand dollars for each violation and may
5 grant any other relief that the court determines is
6 just and proper in the circumstances.

7 Sec. ____ NEW SECTION. 522D.9 Injunctive relief.

8 1. A person may bring an action in district court
9 to enjoin another person from acting as a navigator in
10 violation of section 522D.2. However, before bringing
11 an action in district court to enjoin a person pursuant
12 to this section, the person shall file a complaint with
13 the insurance division alleging that another person is
14 acting as a navigator in violation of section 522D.2.

15 2. If the division makes a determination to proceed
16 administratively against the person for a violation
17 of section 522D.2, the complainant shall not bring an
18 action in district court against the person pursuant to
19 this section based upon the allegations contained in
20 the complaint filed with the division.

21 3. If the division does not make a determination

22 to proceed administratively against the person for
23 a violation of section 522D.2, the division shall
24 issue, by ninety days from the date of filing of the
25 complaint, a release to the complainant that permits
26 the complainant to bring an action in district court
27 pursuant to this section.

28 4. The filing of a complaint with the division
29 pursuant to this section tolls the statute of
30 limitations pursuant to section 614.1 as to the alleged
31 violation for a period of one hundred twenty days from
32 the date of filing the complaint.

33 5. Any action brought in district court by a
34 complainant against a person pursuant to this section,
35 based upon the allegations contained in the complaint
36 filed with the division, shall be brought within one
37 year after the ninety-day period following the filing
38 of the complaint with the division, or the date of the
39 issuance of a release by the division, whichever is
40 earlier.

41 6. If the court finds that the person is in
42 violation of section 522D.2 and enjoins the person from
43 acting as a navigator in violation of that section,
44 the court's findings of fact and law, and the judgment
45 and decree, when final, shall be admissible in any
46 proceeding initiated pursuant to section 522D.8 by the
47 commissioner against the person enjoined and the person
48 enjoined shall be precluded from contesting in that
49 proceeding the court's determination that the person
50 acted as a navigator in violation of section 522D.2.

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1 Sec. ____ NEW SECTION. 522D.10 Rules.
2 The commissioner may adopt rules pursuant to
3 chapter 17A as are necessary or proper to carry out the
4 purposes of this chapter.

5 Sec. ____ NEW SECTION. 522D.11 Severability.
6 If any provision of this chapter or its application
7 to any person or circumstance is held invalid by a
8 court of competent jurisdiction or by federal law,
9 the invalidity does not affect other provisions or
10 applications of the chapter that can be given effect
11 without the invalid provision or application, and to
12 this end the provisions of the chapter are severable
13 and the valid provisions or applications shall remain
14 in full force and effect.

15 Sec. ____ NEW SECTION. 522D.12 Future repeal.
16 If the federal law requiring the establishment
17 of an exchange in each state is repealed by federal
18 legislation or is ruled invalid by a decision of the
19 United States supreme court, the commissioner shall
20 notify the Iowa Code editor of the effective date of
21 the repeal or the date of the ruling. This chapter

22 is repealed on the effective date of such federal
 23 legislation or the date of the United States supreme
 24 court decision.>

25 5. Page 21, by striking lines 1 through 12.

26 6. Page 21, by striking lines 17 and 18.

27 7. Page 21, after line 18 by inserting:

28 Sec. ____ EFFECTIVE DATE. The following provision
 29 or provisions of this Act take effect July 1, 2013:

30 1. The sections of this Act enacting chapter 522D.>

31 8. By renumbering as necessary.

S-5184

1 Amend Senate File 2326 as follows:

2 1. Page 1, line 17, after <capacity.> by inserting
 3 <Of the maximum amount of nameplate generating capacity
 4 for all wind energy conversion facilities the board
 5 may find eligible under this chapter, five megawatts
 6 of nameplate generating capacity shall be reserved for
 7 wind energy conversion facilities located in small wind
 8 innovation zones created under section 476.48.>

9 2. Page 2, by striking lines 11 through 17 and
 10 inserting:

11 <~~Of the maximum amount of energy production capacity~~
 12 ~~equivalent of all other facilities found eligible under~~
 13 ~~this chapter, an amount equivalent to ten megawatts~~
 14 ~~of nameplate generating capacity shall be reserved~~
 15 ~~for eligible renewable energy facilities incorporated~~
 16 ~~within or associated with an ethanol cogeneration plant~~
 17 ~~engaged in the sale of ethanol to states to meet a low~~
 18 ~~carbon fuel standard.~~>

19 3. Page 2, before line 18 by inserting:

20 <Sec. ____ Section 476C.3, Code Supplement 2011, is
 21 amended by adding the following new subsection:
 22 NEW SUBSECTION. 4A. Notwithstanding the definition
 23 of “eligible renewable energy facility” in section
 24 476C.1, subsection 6, unnumbered paragraph 1, of
 25 the maximum amount of energy production capacity
 26 equivalent of all other facilities found eligible
 27 pursuant to subsection 4, paragraph “b”, an amount
 28 equivalent to ten megawatts of nameplate generating
 29 capacity shall be reserved for natural gas cogeneration
 30 facilities incorporated within or associated with a
 31 self-generating ethanol plant to assist the ethanol
 32 plant in meeting a low carbon fuel standard.>

33 4. Title page, by striking lines 1 and 2 and
 34 inserting <An Act relating to the level and allocation
 35 of generating capacity eligible for the renewable
 36 energy tax credit.>

37 5. By renumbering as necessary.

S-5185

- 1 Amend Senate File 2332 as follows:
- 2 1. Page 16, after line 27 by inserting:
- 3 <Sec. ____ Section 359.42, Code 2011, is amended to
- 4 read as follows:
- 5 359.42 Township fire protection service, emergency
- 6 warning system, and emergency medical service.
- 7 Except as otherwise provided in section 331.385, the
- 8 trustees of each township shall provide fire protection
- 9 service for the township, exclusive of any part of
- 10 the township within a benefited fire district and
- 11 may provide emergency medical service. The trustees
- 12 may purchase, own, rent, or maintain fire protection
- 13 service or emergency medical service apparatus or
- 14 equipment or both kinds of apparatus or equipment and
- 15 provide housing for the equipment. The trustees of
- 16 ~~a township which is located within a county having~~
- 17 ~~a population of three hundred thousand or more each~~
- 18 township may also establish and maintain an emergency
- 19 warning system within the township. The trustees may
- 20 contract with a public or private agency under chapter
- 21 28E for the purpose of providing any service or system
- 22 required or authorized under this section.>
- 23 2. Title page, line 1, by striking <enhanced 911>
- 24 3. Title page, line 2, after <including> by
- 25 inserting <E911>
- 26 4. Title page, line 5, after <sale,> by inserting
- 27 <the establishment and funding of emergency warning
- 28 systems within townships,>
- 29 5. By renumbering as necessary.

GENE FRAISE

S-5186

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 31, before line 22 by inserting:
- 3 <DIVISION ____
- 4 ALTERNATIVE CHARTER SCHOOL PROVISIONS
- 5 Sec. ____ NEW SECTION. 256F.12 Alternative charter
- 6 schools.
- 7 1. Notwithstanding this chapter or any provision
- 8 of law to the contrary, the following entities may
- 9 establish and operate an alternative charter school
- 10 pursuant to this section:
- 11 a. The board of directors of a school district.
- 12 b. A consortium consisting of the boards of
- 13 directors of two or more school districts.
- 14 c. An area education agency board.
- 15 d. A consortium consisting of the boards of
- 16 directors of an area education agency and one or more

17 school districts, at least one of which is located
18 within the boundaries of the area education agency.
19 e. The board of directors of a community college.
20 f. A consortium consisting of the boards of
21 directors of a community college and one or more school
22 districts, at least one of which is located within the
23 boundaries of the community college.
24 g. An institution of higher education governed by
25 the state board of regents.
26 h. A consortium consisting of an institution of
27 higher education governed by the state board of regents
28 and the board of directors of one or more school
29 districts.
30 i. A consortium consisting of one or more
31 accredited private institutions as defined in section
32 261.9, all of which are exempt from taxation under
33 section 501(c)(3) of the Internal Revenue Code, and the
34 board of directors of one or more school districts.
35 j. A consortium consisting of the governing body of
36 a city or county and the board of directors of one or
37 more school districts located, at least in part, within
38 the boundaries of the city or county.

39 2. Within thirty days of establishing an
40 alternative charter school pursuant to this section,
41 the entity establishing the alternative charter school
42 shall submit to the department of education, and
43 publish on an internet site operated by the entity,
44 a copy of the plan of operation for the alternative
45 charter school, which shall include but is not limited
46 to the following:

47 a. The alternative charter school's budget.
48 b. The methods by which academic achievement will
49 be measured.
50 c. The measures that will be used to assure that at

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1 least ninety-five percent of the students enrolled in
2 the school will demonstrate a minimum of one year of
3 academic growth for each year of instruction.
4 d. Assurance that the alternative charter school
5 shall, at a minimum, administer the Iowa test of basic
6 skills and the Iowa tests of educational development in
7 the manner and frequency used by the majority of school
8 districts in this state.
9 e. The admissions procedures and dismissal
10 procedures, including the school's code of student
11 conduct.
12 f. The measures to be employed to ensure that
13 the school's racial and ethnic balance reflects the
14 community it serves or reflects the racial and ethnic
15 range of other schools located within the boundaries of

16 the school district in which the school is located.
17 g. The manner in which the school will be insured.
18 h. The qualifications to be required of the
19 alternative charter school's teachers.
20 i. The educational goals of the entity and the
21 alternative charter school.
22 3. Although an alternative charter school may elect
23 to comply with one or more provisions of statute or
24 administrative rule, an alternative charter school is
25 exempt from all statutes and rules applicable to a
26 school, a school board, or a school district, including
27 but not limited to chapters 20 and 279, except as
28 provided in subsections 4, 5, and 8.
29 4. An alternative charter school shall meet
30 all applicable state and local health and safety
31 requirements.
32 5. An alternative charter school shall not
33 discriminate in its student admissions policies or
34 practices on the basis of a student's intellectual or
35 athletic ability, measures of achievement or aptitude,
36 or status as a person with a disability. However,
37 an alternative charter school may limit admission to
38 students who are within a particular range of ages or
39 grade levels or on any other basis that would be legal
40 if initiated by a school district.
41 6. The alternative charter school shall make an
42 annual progress report to the department by a date
43 specified by the department. The report shall contain
44 but not be limited to the school's progress toward
45 achieving the goals outlined in its operation plan and
46 the financial records of the school, including revenues
47 and expenditures.
48 7. The cost of educating students enrolled in an
49 alternative charter school shall be paid in the same
50 manner as for students enrolled in school districts as

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1 provided in section 273.9, and chapters 256B and 257.
2 8. An alternative charter school shall utilize
3 facilities that comply with the state building code
4 adopted pursuant to section 103A.7 and with the rules
5 adopted for schools by the fire marshal pursuant to
6 section 100.35.>
7 2. By renumbering as necessary.

NANCY J. BOETTGER

S-5187

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 476B.1, subsection 4, paragraph
- 4 c, Code 2011, is amended to read as follows:
- 5 c. Was originally placed in service on or after
- 6 July 1, 2005, but before July 1, ~~2012~~ 2013.>
- 7 2. Page 2, before line 18 by inserting:
- 8 <Sec. ____. Section 476C.3, subsection 5, Code
- 9 Supplement 2011, is amended to read as follows:
- 10 5. a. The board shall maintain a waiting list of
- 11 facilities that may have been found eligible under
- 12 this section but for the maximum capacity restrictions
- 13 of subsection 4. The priority of the waiting list
- 14 shall be maintained in the order the applications were
- 15 received by the board. The board shall remove from the
- 16 waiting list any facility that has subsequently been
- 17 found ineligible under this chapter. If additional
- 18 capacity becomes available within the capacity
- 19 restrictions of subsection 4, the board shall grant
- 20 approval to facilities according to the priority
- 21 of the waiting list before granting approval to new
- 22 applications. An owner of a facility on the waiting
- 23 list shall provide the board each year by August 31
- 24 with a sworn statement of verification stating that
- 25 the information contained in the application for
- 26 eligibility remains true and correct or stating that
- 27 the information has changed and providing the new
- 28 information.
- 29 b. Notwithstanding paragraph "a", if a facility
- 30 that has received approval pursuant to section
- 31 476B.5 is not operational due to the maximum capacity
- 32 restrictions of section 476B.5, subsection 4, and
- 33 if additional capacity becomes available within the
- 34 capacity restrictions of subsection 4 of this section
- 35 attributable to a facility that was granted approval
- 36 prior to December 31, 2011, either losing approval
- 37 or voluntarily relinquishing eligibility, the first
- 38 twenty megawatts of such additional capacity shall be
- 39 allocated to and shall increase the maximum amount of
- 40 capacity specified in section 476B.5, subsection 4.>
- 41 3. Title page, by striking lines 1 and 2 and
- 42 inserting <An Act relating to qualification for and
- 43 receipt of the wind energy and renewable energy tax
- 44 credits.>
- 45 4. By renumbering as necessary.

S-5188

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 476B.1, subsection 4, paragraph
- 4 c, Code 2011, is amended to read as follows:
- 5 c. Was originally placed in service on or after
- 6 July 1, 2005, but before July 1, ~~2012~~ 2013.
- 7 Sec. ____ Section 476B.5, subsection 4, Code
- 8 Supplement 2011, is amended to read as follows:
- 9 4. a. The maximum amount of nameplate generating
- 10 capacity of all qualified facilities the board may find
- 11 eligible under this chapter shall not exceed fifty
- 12 megawatts of nameplate generating capacity.
- 13 b. If additional capacity becomes available within
- 14 the capacity restrictions of paragraph “a” of this
- 15 subsection, the amount of available capacity, plus an
- 16 additional amount of capacity necessary to render a
- 17 facility fully operational, if applicable, shall be
- 18 awarded to the applicant who has awaited available
- 19 capacity for the longest period since receiving
- 20 approval.>
- 21 2. Title page, by striking lines 1 and 2 and
- 22 inserting <An Act relating to qualification for and
- 23 receipt of the wind energy and renewable energy tax
- 24 credits.>
- 25 3. By renumbering as necessary.

MERLIN BARTZ

S-5189

- 1 Amend the amendment, S-5184, to Senate File 2326 as
- 2 follows:
- 3 1. Page 1, lines 30 and 31, by striking <a
- 4 self-generating> and inserting <an>

MERLIN BARTZ

S-5190

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 31, after line 21 by inserting:
- 3 <DIVISION ____
- 4 DRIVER EDUCATION — TEACHING PARENT
- 5 Sec. ____ NEW SECTION. 321.178A Driver education
- 6 — teaching parent.
- 7 1. Teaching parent. As an alternative to the
- 8 driver education requirements under section 321.178,
- 9 a teaching parent may instruct a student in a driver
- 10 education course that meets the requirements of this
- 11 section and provide evidence that the requirements

12 under this section have been met.

13 2. Definitions. For purposes of this section:

14 a. "Approved course" means driver education
15 curriculum approved by the department pursuant to rules
16 adopted under chapter 17A. An approved course shall,
17 at a minimum, meet the requirements of subsection 3
18 and be appropriate for teaching-parent-directed driver
19 education and related street or highway instruction.
20 Driver education materials that meet or exceed
21 standards established by the department for an approved
22 course in driver education for a public or private
23 school shall be approved unless otherwise determined by
24 the department. The list of approved courses shall be
25 posted on the department's internet site.

26 b. "Student" means a person between the ages of
27 fourteen and twenty-one years who is within the custody
28 and control of the teaching parent and who satisfies
29 preliminary licensing requirements of the department.

30 c. "Teaching parent" means a parent, guardian,
31 or legal custodian of a student who is currently
32 providing competent private instruction to the student
33 pursuant to section 299A.2 or 299A.3 and who provided
34 such instruction to the student during the previous
35 year; who has a valid driver's license, other than a
36 motorized bicycle license or a temporary restricted
37 license, that permits unaccompanied driving; and who
38 has maintained a clear driving record for the previous
39 two years. For purposes of this paragraph, "clear
40 driving record" means the individual has not been
41 identified as a candidate for suspension of a driver's
42 license under the habitual offender provisions of the
43 department's regulations; is not subject to a driver's
44 license suspension, revocation, denial, cancellation,
45 disqualification, or bar; and has no record of a
46 conviction for a moving traffic violation determined to
47 be the cause of a motor vehicle accident.

48 3. Course of instruction.

49 a. An approved course administered by a teaching
50 parent shall consist of but not be limited to the

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1 following:

- 2 (1) Thirty clock hours of classroom instruction.
- 3 (2) Forty hours of street or highway driving
4 including four hours of driving after sunset and before
5 sunrise while accompanied by the teaching parent.
- 6 (3) Four hours of classroom instruction concerning
7 substance abuse.
- 8 (4) A minimum of twenty minutes of instruction
9 concerning railroad crossing safety.
- 10 (5) Instruction relating to becoming an organ

11 donor under the revised uniform anatomical gift Act as
12 provided in chapter 142C.

13 (6) Instruction providing an awareness about
14 sharing the road with bicycles and motorcycles.

15 b. The content of the course of instruction
16 required under this subsection shall be equivalent
17 to that required under section 321.178. However,
18 reference and study materials, physical classroom
19 requirements, and extra vehicle safety equipment
20 required for instruction under section 321.178 shall
21 not be required for the course of instruction provided
22 under this section.

23 4. Course completion and certification. Upon
24 application by a student for an intermediate license,
25 the teaching parent shall provide evidence showing
26 the student's completion of an approved course and
27 substantial compliance with the requirements of
28 subsection 3 by affidavit signed by the teaching
29 parent on a form to be provided by the department. The
30 evidence shall include all of the following:

31 a. Documentation that the instructor is a teaching
32 parent as defined in subsection 2.

33 b. Documentation that the student is receiving
34 competent private instruction under section 299A.2
35 or the name of the school district within which the
36 student is receiving instruction under section 299A.3.

37 c. The name of the approved course completed by the
38 student.

39 d. An affidavit attesting to satisfactory
40 completion of course work and street or highway driving
41 instruction.

42 e. Copies of written tests completed by the
43 student.

44 f. A statement of the number of classroom hours of
45 instruction provided to the student.

46 g. A log of completed street or highway driving
47 instruction including the dates when the lessons were
48 conducted, the student's and the teaching parent's name
49 and initials noted next to each entry, notes on driving
50 activities including a list of driving deficiencies and

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1 improvements, and the duration of the driving time for
2 each session.

3 5. Intermediate license. Any student who
4 successfully completes an approved course as
5 provided in this section, passes a driving test to
6 be administered by the department, and is otherwise
7 qualified under section 321.180B, subsection 2, shall
8 be eligible for an intermediate license pursuant
9 to section 321.180B. Twenty of the forty hours of

10 street or highway driving instruction required under
 11 subsection 3, paragraph "a", subparagraph (2), may
 12 be utilized to satisfy the requirement of section
 13 321.180B, subsection 2.

14 6. Full license. A student must comply with
 15 section 321.180B, subsection 4, to be eligible for a
 16 full driver's license pursuant to section 321.180B.
 17 Sec. ____ Section 321.180B, subsection 2, paragraph
 18 a, Code Supplement 2011, is amended to read as follows:
 19 a. The department may issue an intermediate
 20 driver's license to a person sixteen or seventeen years
 21 of age who possesses an instruction permit issued
 22 under subsection 1 or a comparable instruction permit
 23 issued by another state for a minimum of six months
 24 immediately preceding application, and who presents an
 25 affidavit signed by a parent, guardian, or custodian
 26 on a form to be provided by the department that the
 27 permittee has accumulated a total of twenty hours of
 28 street or highway driving of which two hours were
 29 conducted after sunset and before sunrise and the
 30 street or highway driving was with the permittee's
 31 parent, guardian, custodian, instructor, a person
 32 certified by the department, or a person at least
 33 twenty-five years of age who had written permission
 34 from a parent, guardian, or custodian to accompany
 35 the permittee, and whose driving privileges have not
 36 been suspended, revoked, or barred under this chapter
 37 or chapter 321J during, and who has been accident
 38 and violation free continuously for, the six-month
 39 period immediately preceding the application for an
 40 intermediate license. An applicant for an intermediate
 41 license must meet the requirements of section
 42 321.186, including satisfactory completion of driver
 43 education as required in section 321.178 or 321.178A,
 44 and payment of the required license fee before an
 45 intermediate license will be issued. A person issued
 46 an intermediate license must limit the number of
 47 passengers in the motor vehicle when the intermediate
 48 licensee is operating the motor vehicle to the number
 49 of passenger safety belts.>
 50 2. By renumbering as necessary.

NANCY J. BOETTGER

S-5191

- 1 Amend the amendment, S-5170, to Senate File 451,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, after line 4 by inserting:
- 5 <Section 1. Section 257.40, subsection 2, Code
- 6 2011, is amended to read as follows:

7 2. a. By January 1, 2013, the board of directors
8 of each school district administering an approved
9 program for returning dropouts and dropout prevention
10 pursuant to this section shall implement an assessment
11 approved by the department of education that is
12 designed to determine the number of returning dropouts
13 and the percentage of reduction in the number of
14 dropouts resulting from the approved program. Annually
15 by July 1 of the following school year, the school
16 board shall submit the data collected pursuant to this
17 paragraph to the department in the manner prescribed
18 by the department. The department shall collect,
19 analyze, and report the data received pursuant to this
20 paragraph, along with its findings and recommendations,
21 in the annual report submitted pursuant to paragraph
22 "c."

23 b. Beginning January 15, 2007 By October 1, 2012,
24 the department shall identify and provide to school
25 districts a valid and reliable assessment that a school
26 district shall use to determine the number of returning
27 dropouts and the percentage of reduction in the number
28 of dropouts identified by a school district as a result
29 of the administration of programs approved pursuant to
30 this section.

31 c. Beginning November 1, 2013, the department
32 shall submit an annual report to the ~~chairpersons and~~
33 ~~ranking members of the senate and house education~~
34 ~~committees general assembly~~ that includes the ways
35 school districts in the previous school year used
36 modified allowable growth approved under subsection 1;
37 identifies, by grade level, age, and district size,
38 the students in the dropout and dropout prevention
39 programs for which the department approves a request;
40 describes school district progress toward increasing
41 student achievement and attendance for the students in
42 the programs; and describes how the school districts
43 are using the revenues from the modified allowable
44 growth to improve student achievement among minority
45 subgroups.>

46 2. By renumbering as necessary.

PAUL MCKINLEY

S-5192

1 Amend Senate File 2326 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 476B.1, subsection 4, paragraph
4 c, Code 2011, is amended to read as follows:
5 c. Was originally placed in service on or after
6 July 1, 2005, but before July 1, ~~2012~~ 2013.
7 Sec. __. Section 476B.5, subsection 4, Code
8 Supplement 2011, is amended to read as follows:

9 4. a. The maximum amount of nameplate generating
10 capacity of all qualified facilities the board may find
11 eligible under this chapter shall not exceed fifty
12 megawatts of nameplate generating capacity.

13 b. If additional capacity becomes available within
14 the capacity restrictions of paragraph “a” of this
15 subsection, the amount of available capacity, plus
16 an additional amount of capacity necessary to render
17 a facility fully operational, if applicable, may be
18 awarded to the applicant who has awaited available
19 capacity for the longest period since receiving
20 approval.>

21 2. Page 1, line 17, after ~~<capacity.>~~ by inserting
22 ~~<Of the maximum amount of nameplate generating capacity~~
23 ~~for all wind energy conversion facilities the board~~
24 ~~may find eligible under this chapter, five megawatts~~
25 ~~of nameplate generating capacity shall be reserved for~~
26 ~~wind energy conversion facilities located in small wind~~
27 ~~innovation zones created under section 476.48.>~~

28 3. Page 2, by striking lines 11 through 17 and
29 inserting:

30 ~~<Of the maximum amount of energy production capacity~~
31 ~~equivalent of all other facilities found eligible under~~
32 ~~this chapter, an amount equivalent to ten megawatts~~
33 ~~of nameplate generating capacity shall be reserved~~
34 ~~for eligible renewable energy facilities incorporated~~
35 ~~within or associated with an ethanol cogeneration plant~~
36 ~~engaged in the sale of ethanol to states to meet a low~~
37 ~~carbon fuel standard.>~~

38 4. Page 2, before line 18 by inserting:

39 <Sec. ____ Section 476C.3, Code Supplement 2011, is
40 amended by adding the following new subsection:
41 NEW SUBSECTION. 4A. Notwithstanding the definition
42 of “eligible renewable energy facility” in section
43 476C.1, subsection 6, unnumbered paragraph 1, of the
44 maximum amount of energy production capacity equivalent
45 of all other facilities found eligible pursuant to
46 subsection 4, paragraph “b”, an amount equivalent to
47 ten megawatts of nameplate generating capacity shall
48 be reserved for natural gas cogeneration facilities
49 incorporated within or associated with an ethanol plant
50 to assist the ethanol plant in meeting a low carbon

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1 fuel standard.>

2 5. Title page, by striking lines 1 and 2 and
3 inserting <An Act relating to qualification for and
4 receipt of the wind energy and renewable energy tax
5 credits.>

6 6. By renumbering as necessary.

S-5193

HOUSE AMENDMENT TO
SENATE FILE 364

1 Amend Senate File 364, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 35 by inserting:
4 <Sec. ____ Section 148B.2, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. "Occupational therapy" means the therapeutic
7 application of specific tasks used for the purpose of
8 evaluation and treatment of problems interfering with
9 functional performance in persons impaired by physical
10 illness or injury, emotional disorder, congenital or
11 developmental disability, or the aging process in order
12 to achieve optimum function, for maintenance of health
13 and prevention of disability. "Occupational therapy"
14 includes but is not limited to providing assessment,
15 design, fabrication, application, and fitting of
16 selected orthotic devices and training in the use of
17 prosthetic devices.>

18 2. Page 2, after line 35 by inserting:
19 <Sec. ____ Section 148B.2, subsection 2, Code 2011,
20 is amended to read as follows:

21 2. "Occupational therapy" means the therapeutic
22 ~~application of specific tasks used for the purpose of~~
23 ~~evaluation and treatment of problems interfering with~~
24 ~~functional performance in persons impaired by physical~~
25 ~~illness or injury, emotional disorder, congenital or~~
26 ~~developmental disability, or the aging process in~~
27 ~~order to achieve optimum function, for maintenance of~~
28 ~~health and prevention of disability~~ use of occupations,
29 including everyday life activities with individuals,
30 groups, populations, or organizations to support
31 participation, performance, and function in roles and
32 situations in home, school, workplace, community, and
33 other settings. Occupational therapy services are
34 provided for habilitation, rehabilitation, and the
35 promotion of health and wellness to those who have
36 or are at risk for developing an illness, injury,
37 disease, disorder, condition, impairment, disability,
38 activity limitation, or participation restriction.
39 Occupational therapy addresses the physical, cognitive,
40 psychosocial, sensory-perceptual, and other aspects of
41 performance in a variety of contexts and environments
42 to support engagement in occupations that affect
43 physical and mental health, well-being, and quality of
44 life.

45 Sec. ____ Section 148B.3, subsection 5, Code 2011,
46 is amended by striking the subsection.

47 Sec. ____ Section 148B.3, subsection 6, Code 2011,

48 is amended to read as follows:

49 6. A nonresident performing occupational therapy
50 services in the state who is not licensed under

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1 this chapter, if the services are performed for not
2 more than ~~ninety~~ thirty days in a calendar year in
3 association with an occupational therapist licensed
4 under this chapter, and the nonresident meets either of
5 the following requirements:

6 a. The nonresident is licensed under the law of
7 another state which has licensure requirements at least
8 as stringent as the requirements of this chapter, ~~or,~~

9 b. The nonresident meets the requirements for
10 certification as an occupational therapy assistant
11 (O.T.R.), or a certified occupational therapy assistant
12 (C.O.T.A.) established by the ~~American national board~~
13 for certification in occupational therapy association.

14 Sec. ____ Section 148B.4, Code 2011, is amended to
15 read as follows:

16 148B.4 Limited permit.

17 1. A limited permit to practice occupational
18 therapy may be granted to persons a person who have
19 has completed the education and experience academic
20 and field work requirements of for occupational
21 therapists under this chapter and has not yet taken or
22 received the results of the entry-level certification
23 examination. This permit shall A permit granted
24 pursuant to this subsection shall be valid for a period
25 of time as determined by the board by rule and shall
26 allow the person to practice occupational therapy under
27 the direction and appropriate supervision of a licensed
28 an occupational therapist and shall be valid until
29 the date on which the results of the next qualifying
30 examination have been made public licensed under this
31 chapter. This The permit shall expire when the person
32 is issued a license under section 148B.5 or if the
33 person is notified that the person did not pass the
34 examination. The limited permit shall not be renewed
35 if the applicant has failed the examination.

36 2. A limited permit to assist in the practice of
37 occupational therapy may be granted to a person who
38 has completed the academic and field work requirements
39 for occupational therapy assistants under this chapter
40 and has not yet taken or received the results of the
41 entry-level certification examination. A permit
42 granted pursuant to this subsection shall be valid for
43 a period of time as determined by the board by rule
44 and shall allow the person to assist in the practice
45 of occupational therapy under the direction and
46 appropriate supervision of an occupational therapist

47 licensed under this chapter. The permit shall expire
 48 when the person is issued a license under section
 49 148B.5 or if the person is notified that the person did
 50 not pass the examination. The limited permit shall not

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1 be renewed.

2 Sec. ____ Section 148B.6, Code 2011, is amended to
 3 read as follows:

4 148B.6 Waiver of requirements for licensing.

5 ~~4.~~ The board may waive the examination and grant a
 6 license;

7 1. ~~4.~~ To a person certified prior to January
 8 1, 1981, as an occupational therapist registered
 9 (O.T.R.) or a certified occupational therapy assistant
 10 (C.O.T.A.) by the American Occupational Therapy
 11 Association occupational therapy association.

12 ~~2.~~ The board shall waive the education and
 13 experience requirements for licensure in section
 14 148B.5, subsections 1 and 2, for applicants for a
 15 license who present evidence to the board that they
 16 have been engaged in the practice of occupational
 17 therapy on and prior to January 1, 1981. Proof of
 18 actual practice shall be presented to the board in a
 19 manner as it prescribes by rule. To obtain the benefit
 20 of this waiver, an applicant must successfully complete
 21 the examination within one year from January 1, 1981.
 22 However, the waiver is conditional upon the applicant
 23 satisfying the education and experience requirements of
 24 section 148B.5, subsections 1 and 2, within five years
 25 of the waiver being granted and if those requirements
 26 are not satisfied at the expiration of those five years
 27 the board shall revoke the license.

28 ~~3.~~ 2. The board may waive the examination and
 29 grant a license to To an applicant who presents proof
 30 of current licensure as an occupational therapist
 31 or occupational therapy assistant in another state,
 32 the District of Columbia, or a territory of the
 33 United States which requires standards for licensure
 34 considered by the board to be equivalent to the
 35 requirements for licensure of this chapter.

36 Sec. ____ NEW SECTION. 148B.8 Unlawful practice.

37 1. A person shall not practice occupational therapy
 38 or assist in the practice of occupational therapy,
 39 provide occupational therapy services, hold oneself out
 40 as an occupational therapist or occupational therapy
 41 assistant or as being able to practice occupational
 42 therapy or assist in the practice of occupational
 43 therapy, or provide occupational therapy services in
 44 this state unless the person is licensed under this
 45 chapter.

46 2. It is unlawful for any person not licensed as an
47 occupational therapist in this state or whose license
48 is suspended or revoked to use in connection with the
49 person's name or place of business in this state the
50 words "occupational therapist", "licensed occupational

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1 therapist", or any word, title, letters, or designation
2 that implies that the person is an occupational
3 therapist.

4 3. It is unlawful for any person not licensed as an
5 occupational therapy assistant in this state or whose
6 license is suspended or revoked to use in connection
7 with the person's name or place of business in this
8 state, the words "occupational therapy assistant",
9 "licensed occupational therapy assistant", or any word,
10 title, letters, or designation that implies that the
11 person is an occupational therapy assistant.

12 Sec. __. NEW SECTION. 148B.9 False use of titles
13 prohibited.

14 A person or business entity, including the
15 employees, agents, or representatives of the
16 business entity, shall not use in connection with
17 that person or business entity's business activity,
18 the words "occupational therapy", "occupational
19 therapist", "licensed occupational therapist", "doctor
20 of occupational therapy", "occupational therapy
21 assistant", "licensed occupational therapy assistant",
22 or the letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.",
23 "O.T.A./L.", or any words, abbreviations, or insignia
24 indicating or implying that occupational therapy
25 is provided or supplied unless such services are
26 provided by or under the direction and supervision of
27 an occupational therapist licensed pursuant to this
28 chapter.>

29 3. Page 7, line 2, after <caregivers.> by inserting
30 <Any changes to the nationally accepted standards by
31 the American board for certification in orthotics,
32 prosthetics and pedorthics which impact scope of
33 practice may be approved by the board along with the
34 adoption of rules as required in this section.>

35 4. Page 11, by striking lines 6 through 19.

36 5. Title page, line 1, by striking <of> and
37 inserting <and regulation of persons offering
38 occupational therapy services, and>

39 6. Title page, line 2, after <pedorthists>
40 by inserting <, providing exceptions for persons
41 practicing within the scope of their professions,>

42 7. By renumbering as necessary.

S-5194

- 1 Amend the amendment, S-3329, to Senate File 466,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 2, by striking lines 36 through 41 and
5 inserting:
6 <6. a. A residential contractor violating this
7 section is subject to the penalties and remedies
8 prescribed by this chapter.
9 b. A violation of this section by a residential
10 contractor is an unlawful practice pursuant to section
11 714.16.>
 - 12 2. By renumbering as necessary.

MATT McCOY

S-5195

- 1 Amend House File 675, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 5, line 8, after <situated> by inserting
4 <The county identified on the state construction
5 registry internet website at the time of posting the
6 required notices pursuant to sections 572.13A and
7 572.13B shall be the only county in which the building,
8 land, or improvement may be charged with a mechanic's
9 lien.>
 - 10 2. Page 6, line 12, after <Code> by inserting
11 <Supplement>
 - 12 3. By striking page 6, line 28, through page 7,
13 line 5, and inserting <the improved property.>
 - 14 4. Page 8, line 11, after <3.> by inserting <a.>
 - 15 5. Page 8, by striking lines 14 through 17 and
16 inserting <and send a copy of the owner notice
17 described in section 572.13. The owner notice shall
18 contain the following language:
19 Persons or companies furnishing labor or materials
20 for the improvement of real property may enforce a
21 lien upon the improved property if they are not paid
22 for their contributions, even if the parties have no
23 direct contractual relationship with the owner. The
24 state construction registry provides a listing of all
25 persons or companies furnishing labor or materials who
26 have posted a lien or who may post a lien upon the
27 improved property. If the person or company has posted
28 its notice or lien to the state construction registry,
29 you may be required to pay the person or company even
30 if you have paid the general contractor the full amount
31 due. Therefore, check the state construction registry
32 internet website for information about the property
33 including persons or companies furnishing labor or

34 materials before paying your general contractor.
35 In addition, when making payment to your general
36 contractor, it is important to obtain lien waivers from
37 your general contractor and from persons or companies
38 registered as furnishing labor or materials to your
39 property. The information in the state construction
40 registry is posted on the internet website of the state
41 construction registry.
42 b. Other relevant information may be included with
43 the notice described in subsection 1 as prescribed by
44 the administrator pursuant to rule.
45 c. The notice described in subsection 1 shall be
46 sent to the owner's address. If the owner's address
47 is different than the property address, a copy of the
48 notice shall also be sent to the property address,
49 addressed to the owner.>
50 6. Page 20, by striking lines 14 through 22 and

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1 inserting:
2 <Sec. _____. TRANSITION PROVISION —
3 NOTICES. Notwithstanding sections 572.13A and
4 572.13B, as enacted by this Act, or any other provision
5 of this Act, for the period commencing January 1,
6 2013, through June 30, 2013, a general contractor,
7 subcontractor, or owner-builder may, as an alternative
8 means of providing notice, submit an affidavit to the
9 administrator, as defined in section 572.1, which shall
10 serve as the requisite notice pursuant to this Act.
11 The administrator shall post such notices to the state
12 construction registry internet website. The affidavit
13 shall be in the form prescribed by the administrator
14 pursuant to rule.
15 Sec. _____. EFFECTIVE DATE. This Act takes effect
16 January 1, 2013.
17 Sec. _____. APPLICABILITY.
18 1. Mechanics' liens filed prior to the effective
19 date of this Act shall remain with the clerk of the
20 district court of the county in which the building,
21 land, or improvement charged with the lien is situated.
22 2. The notice provisions contained in this Act
23 apply only to material furnished or labor performed
24 after the effective date of this Act.>
25 7. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Chair

S-5196

- 1 Amend the amendment, S-5193, to Senate File 364,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 1, by striking lines 3 through 17.
 - 5 2. Page 1, line 44, after <life,> by inserting
6 <“Occupational therapy” includes but is not limited to
7 providing assessment, design, fabrication, application,
8 and fitting of selected orthotic devices and training
9 in the use of prosthetic devices.>
 - 10 3. By renumbering as necessary.

STEVEN J. SODDERS

S-5197

- 1 Amend Senate File 2336 as follows:
- 2 1. Page 77, after line 35 by inserting:
3 <Sec. ____ NEW SECTION. 239B.2C Substance abuse
4 screening.
 - 5 1. For the purposes of this section, unless the
6 context otherwise requires, “substance abuse screening
7 program” or “screening program” means the substance
8 abuse screening program administered pursuant to this
9 section.
 - 10 2. The substance abuse screening program
11 requirements of this section apply to the following
12 applicants for assistance under this chapter:
 - 13 a. Each adult parent, guardian, or specified
14 relative who is included in the applicant family,
15 including both parents of a two-parent family, or
16 an individual who may be exempt from work activity
17 requirements due to the age of the youngest child or
18 who may be exempt from work activity requirements under
19 the PROMISE JOBS program.
 - 20 b. A minor parent who is not required to live
21 with a parent, guardian, or other adult caretaker in
22 accordance with this chapter.
 - 23 3. As a condition of eligibility for an applicant
24 who is subject to this section to participate in the
25 family investment program, the applicant shall, if not
26 otherwise prohibited by state or federal law, agree to
27 participate in the substance abuse screening program.
 - 28 4. The department shall design and implement a
29 substance abuse screening program for applicants who
30 are subject to this section. To the extent authorized
31 under applicable federal requirements, the screening
32 program shall include but is not limited to all of the

33 following elements:

34 a. Random drug testing of a percentage of the
35 applicants. Such testing shall be conducted on an
36 applicant's blood or urine for the presence of a
37 controlled substance. However, if the information
38 available in regard to a specific applicant indicates
39 there is a strong likelihood that the applicant is
40 using a controlled substance, such testing may be
41 required.

42 b. Assure each applicant being drug tested a
43 reasonable degree of dignity while producing and
44 submitting a sample for drug testing, consistent with
45 the department's need to ensure the reliability of the
46 sample.

47 c. The results of the blood or urine testing shall
48 not be admissible in any criminal proceeding without
49 the consent of the person subject to the testing.

50 d. Provision for the cost of the blood or urine

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1 testing under the screening program to be paid by the
2 applicant.

3 e. Provide any applicant who tests positive in a
4 drug test under the screening program with a list of
5 licensed substance abuse treatment programs available
6 in the area in which the applicant resides. Neither
7 the department nor the state is not responsible for
8 providing or paying for substance abuse treatment as
9 part of the screening conducted under this section.

10 f. An applicant with a positive drug test result
11 who is denied assistance under this chapter may
12 reapply for assistance at any time if the individual
13 can document the successful completion of a licensed
14 substance abuse treatment program. An applicant
15 who has met the requirements of this paragraph
16 and reapplies for assistance must also pass a drug
17 test under the screening program in order for the
18 application to be approved. Any drug test conducted
19 while the individual is undergoing substance abuse
20 treatment must meet the requirements for a drug test
21 under the screening program. The cost of any drug
22 testing or substance abuse treatment provided under
23 this subsection shall be the responsibility of the
24 individual being tested or receiving treatment.

25 g. Other design, operation, and standards
26 provisions adopted in rule to ensure the screening
27 program is implemented in a fair and economical manner.

28 5. An adult applicant is not eligible to
29 participate in the family investment program if any of
30 the following is applicable:

31 a. The applicant does not agree to participate in

32 the substance abuse screening program.
 33 b. The applicant tests positive in a blood or urine
 34 drug test administered under the screening program for
 35 the presence of either of the following:
 36 (1) A substance listed in schedule I under section
 37 124.204.
 38 (2) A substance listed in schedule II, III, or
 39 IV under chapter 124 that was not prescribed for the
 40 applicant or participant.
 41 6. If an applicant parent is deemed ineligible for
 42 assistance as a result of having a positive test result
 43 from a drug test conducted under the screening program,
 44 all of the following apply:
 45 a. The eligibility of the applicant's dependent
 46 child for assistance is not affected.
 47 b. An appropriate protective payee shall be
 48 designated to receive assistance on behalf of the
 49 dependent child. The applicant parent may choose
 50 to designate an individual as the protective payee.

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1 The individual designated by the applicant parent
 2 as the protective payee must be a specified relative
 3 or other immediate family member unless such family
 4 member is not available or the family member declines
 5 the designation. In which case another individual,
 6 approved by the department, shall be designated as the
 7 protective payee. The individual must also participate
 8 in the screening program before being approved to be
 9 the protective payee. If the designated individual has
 10 a positive test result, the designated individual shall
 11 be ineligible to be the protective payee.
 12 7. The department shall adopt rules to implement
 13 this section.>
 14 2. By renumbering as necessary.

MARK CHELGREN

S-5198

1 Amend Senate File 2334 as follows:
 2 1. Page 1, by striking lines 7 through 9 and
 3 inserting <2, paragraph "a", moneys in the trust fund
 4 sufficient to provide for a combined annual fiscal year
 5 appropriation of three hundred thousand dollars are
 6 appropriated to the>
 7 2. Page 1, by striking lines 13 and 14 and
 8 inserting <the trust fund. It is the intent of the
 9 general assembly that the balance in the trust fund
 10 reach fifty million dollars.>
 11 3. Page 1, before line 15 by inserting:

12 <Sec. ____ Section 99G.9A, Code 2011, is amended to
13 read as follows:

14 99G.9A Limited series of lottery games providing aid
15 for veterans.

16 The chief executive officer, in consultation with
17 the board, shall develop and conduct two additional
18 instant scratch and two additional pull tab lottery
19 games annually to provide moneys for the benefit of
20 veterans and their spouses and dependents. The moneys
21 received from the sale of tickets for each lottery
22 game shall be deposited in a special account in the
23 lottery fund. Notwithstanding section 99G.39, after
24 payment of the prizes, the remaining moneys shall be
25 transferred to the veterans trust fund established
26 pursuant to section 35A.13. ~~However, if the balance
27 of the veterans trust fund is fifty million dollars or
28 more, the remaining moneys shall be appropriated to
29 the department of revenue for distribution to county
30 directors of veteran affairs, with fifty percent of
31 the money to be distributed equally to each county and
32 fifty percent of the money to be distributed to each
33 county based upon the population of veterans in the
34 county, so long as the money distributed to a county
35 does not supplant money appropriated by that county for
36 the county director of veteran affairs.>~~

37 4. Page 1, before line 22 by inserting:

38 <Sec. ____ TRANSFER TO VETERANS TRUST FUND. At
39 the close of the fiscal year beginning July 1, 2011,
40 following the appropriations made to the cash reserve
41 fund pursuant to section 8.57, subsections 1 and 3, and
42 the Iowa economic emergency fund pursuant to section
43 8.57, subsection 4, and following any transfer made
44 from the Iowa economic emergency fund to the taxpayers
45 trust fund pursuant to section 8.55, subsection 2,
46 paragraph "a", subparagraph (1), from the excess moneys
47 that remain, an amount sufficient for the balance of
48 the veterans trust fund created in section 35A.13
49 to reach fifty million dollars, up to the amount of
50 excess moneys that remains, shall be transferred to the

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1 veterans trust fund, and any remaining excess shall
2 be transferred to the general fund of the state as
3 provided in section 8.55, subsection 2, paragraph "a",
4 subparagraph (2).>

5 5. Page 1, after line 24 by inserting:

6 <____. The section of this Act amending section
7 99G.9A.>

8 6. Page 1, after line 27 by inserting:

9 <____. The section of this Act transferring moneys
10 to the veterans trust fund created in section 35A.13.>

- 11 7. Title page, line 1, after <appropriations> by
 12 inserting <to the veterans trust fund and>
 13 8. By renumbering as necessary.

TIM L. KAPUCIAN
 STEVE KETTERING
 PAUL MCKINLEY
 BRAD ZAUN
 JONI ERNST
 ROBERT BACON
 MERLIN BARTZ
 NANCY J. BOETTGER
 JAMES A. SEYMOUR
 HUBERT HOUSER
 JERRY BEHN
 SHAWN HAMERLINCK
 KENT SORENSON
 RICK BERTRAND
 BILL ANDERSON
 PAT WARD
 MARK CHELGREN
 DAVID JOHNSON
 ROBY SMITH
 JAMES F. HAHN
 SANDRA GREINER
 JACK WHITVER
 BILL DIX
 RANDY FEENSTRA

S-5199

- 1 Amend Senate File 2336 as follows:
 2 1. Page 1, line 23, by striking <35.00> and
 3 inserting <~~35.00~~ 36.00>
 4 2. By striking page 1, line 33, through page 2,
 5 line 1, and inserting:
 6 <~~2. The amount appropriated in this section~~
 7 ~~includes additional funding of \$225,000 for delivery of~~
 8 ~~long term care services to seniors with low or moderate~~
 9 ~~incomes.>~~
 10 3. Page 2, line 32, after <advocate> by inserting
 11 <to administer the certified volunteer long-term care
 12 resident's advocate program pursuant to section 231.45
 13 as enacted in this 2012 Act>
 14 4. Page 3, line 18, by striking <26,003,190> and
 15 inserting <~~25,653,190~~>
 16 5. Page 3, line 21, by striking <~~\$5,753,830~~> and
 17 inserting <~~\$5,403,830~~>
 18 6. Page 3, line 31, after <(2)> by inserting <(a)>
 19 7. Page 3, after line 35 by inserting:
 20 <(b) For the fiscal year beginning July 1, 2012,
 21 and ending June 30, 2013, the terms of a chapter

22 28D agreement, entered into between the division of
 23 tobacco use prevention and control of the department
 24 of public health and the alcoholic beverages division
 25 of the department of commerce, governing compliance
 26 checks conducted to ensure licensed retail tobacco
 27 outlet conformity with tobacco laws, regulations, and
 28 ordinances relating to persons under eighteen years of
 29 age, shall restrict the number of such checks to one
 30 check per retail outlet, and one additional check for
 31 any retail outlet found to be in violation during the
 32 first check.>

33 8. Page 11, line 16, by striking <3,419,028> and
 34 inserting <3,919,028>

35 9. Page 12, after line 25 by inserting:

36 <j. For provision of early prevention screening
 37 by pap smear and advanced screening by colposcope for
 38 women with incomes below 300 percent of the federal
 39 poverty level, as defined by the most recently revised
 40 poverty income guidelines issued by the United States
 41 department of health and human services, who are
 42 not covered by a third-party payer health policy or
 43 contract that pays for such procedures and related
 44 laboratory services:

45 \$ 500,000

46 The department shall distribute the amount
 47 appropriated in this lettered paragraph to providers
 48 on behalf of eligible persons within the target
 49 population.>

50 10. Page 12, line 31, by striking <5,822,987> and

Page 2

1 inserting <5,634,547>

2 11. By striking page 15, line 26, through page 16,
 3 line 6, and inserting:

4 <h. (1) Of the funds appropriated in this
 5 subsection, \$74,500 shall be used for continued
 6 implementation of the recommendations of the direct
 7 care worker task force established pursuant to 2005
 8 Iowa Acts, chapter 88, based upon the report submitted
 9 to the governor and the general assembly in December
 10 2006. The department may use a portion of the funds
 11 allocated in this lettered paragraph for an additional
 12 position to assist in the continued implementation.>

13 12. Page 18, line 10, by striking <2,895,847> and
 14 inserting <2,395,847>

15 13. By striking page 18, line 30, through page 19,
 16 line 6.

17 14. Page 19, line 12, by striking <2,879,127> and
 18 inserting <3,067,567>

19 15. Page 19, after line 29 by inserting:

20 <d. Of the funds appropriated in this subsection,

21 \$337,440 shall be used for the purposes of the board
 22 of direct care professionals as established pursuant
 23 to the division of this 2012 Act enacting new Code
 24 chapter 152F. The direct care worker advisory council
 25 established pursuant to 2008 Iowa Acts, chapter 1188,
 26 section 69, may continue to provide expertise and
 27 leadership relating to the recommendations in the
 28 advisory council's final report submitted to the
 29 governor and the general assembly in March 2012.>
 30 16. Page 32, line 18, by striking ~~<845,251,256>~~ and
 31 inserting ~~<845,601,256>~~
 32 17. Page 34, line 11, after ~~<eligibility>~~ by
 33 inserting ~~<and premium accounts>~~
 34 18. Page 34, line 25, by striking ~~<are appropriated~~
 35 ~~to and>~~
 36 19. Page 37, line 12, by striking ~~<\$128,940>~~ and
 37 inserting ~~<\$141,450>~~
 38 20. Page 41, line 13, after ~~<section.>~~ by inserting
 39 ~~<The department may transfer funds appropriated in this~~
 40 ~~section to the appropriation made in this division of~~
 41 ~~this Act for adoption subsidy to support the adjustment~~
 42 ~~in reimbursement rates for specified child welfare~~
 43 ~~providers as provided in this 2012 Act.>~~
 44 21. Page 41, line 15, by striking ~~<\$31,372,177>~~ and
 45 inserting ~~<\$31,438,622>~~
 46 22. Page 42, line 19, by striking ~~<\$7,370,116>~~ and
 47 inserting ~~<\$7,385,639>~~
 48 23. Page 48, line 6, after ~~<subsidy.>~~ by inserting
 49 ~~<The department may transfer funds appropriated in this~~
 50 ~~section to the appropriation made in this division of~~

Page 3

1 this Act for child and family services to support the
 2 adjustment in reimbursement rates for specified child
 3 welfare providers as provided in this 2012 Act.>
 4 24. Page 53, line 10, by striking ~~<95.90>~~ and
 5 inserting ~~<115.50>~~
 6 25. Page 54, line 18, by striking ~~<285.00>~~ and
 7 inserting ~~<285.00 295.00>~~
 8 26. Page 55, line 26, by striking ~~<\$237,226,901>~~
 9 and inserting ~~<\$239,726,901>~~
 10 27. Page 55, after line 26 by inserting:
 11 ~~<Sec. ____.~~ 2011 Iowa Acts, chapter 129, section
 12 141, subsection 1, paragraph a, is amended by adding
 13 the following new subparagraph:
 14 NEW SUBPARAGRAPH. (1A) For the fiscal year
 15 beginning July 1, 2012, and ending June 30, 2013,
 16 and within the total state funding amount identified
 17 in subparagraph (1), the department shall distribute
 18 not more than \$2,500,000 in reimbursement to nursing
 19 facilities by adjusting the statewide median of the

20 direct care component of nursing facility costs based
 21 upon the most recent cost report submitted by the
 22 nursing facility for the period ending on or before
 23 December 31, 2011, and inflating these costs forward to
 24 July 1, 2012, by using the midpoint of each cost report
 25 and applying the skilled nursing facility market basket
 26 index. The department shall adjust the reimbursement
 27 calculated under this subparagraph as necessary to
 28 maintain expenditures of the nursing facility budget
 29 within the state funding amount specified in this
 30 subparagraph and within the total state funding amount
 31 identified in subparagraph (1) for the fiscal year.>

32 28. Page 55, by striking lines 34 and 35 and
 33 inserting ~~single rate of range between~~ \$4.34 per
 34 prescription or the pharmacy's usual and customary fee,
 35 whichever is lower, and \$11.10 per prescription. The
 36 actual dispensing fee set within the range shall be
 37 determined by a cost of dispensing survey performed
 38 by the department and required to be completed by all
 39 medical assistance program participating pharmacies.
 40 ~~However,~~>

41 29. Page 56, by striking lines 5 through 14 and
 42 inserting:
 43 <(2) The department shall implement an average
 44 acquisition cost reimbursement methodology for all
 45 drugs covered under the medical assistance program.
 46 The methodology shall utilize a survey of pharmacy
 47 invoices from a rotation of pharmacies in determining
 48 the average acquisition cost component of pharmacy
 49 reimbursement. Pharmacies and providers that are
 50 enrolled in the medical assistance program shall make

Page 4

1 available drug acquisition cost invoice information,
 2 product availability information if known, and other
 3 information deemed necessary by the department to
 4 assist the department in monitoring and revising the
 5 reimbursement rates and for efficient operation of
 6 the pharmacy benefit. The department shall provide a
 7 process for pharmacies to address average acquisition
 8 cost prices that are not reflective of the actual cost
 9 of a drug.>

10 30. By striking page 57, line 15, through page 58,
 11 line 8, and inserting:

12 <PROVIDER REIMBURSEMENT — SPECIFIED CHILD WELFARE
 13 PROVIDERS

14 Sec. ____ 2011 Iowa Acts, chapter 129, section 141,
 15 is amended by adding the following new subsection:
 16 NEW SUBSECTION. 6A. For the fiscal year beginning
 17 July 1, 2012, the department shall adjust the
 18 foster family basic daily maintenance rate, the

19 maximum adoption subsidy rates for children, the
20 family-centered service providers rate, the family
21 foster care service providers rate, the group foster
22 care service providers rate, and the resource family
23 recruitment and retention contractor rate, as such
24 rates are identified in this section and were in effect
25 on June 30, 2012, in order to distribute an additional
26 \$3,070,512 in state reimbursements equitably to such
27 providers for the fiscal year.>

28 31. Page 62, line 34, by striking <290,000> and
29 inserting <540,000>

30 32. Page 64, line 9, by striking <1,956,245> and
31 inserting <1,956,245 4,106,245>

32 33. Page 66, after line 19 by inserting:

33 <c. For transfer to the department of public health
34 to be used for tobacco use prevention, cessation, and
35 treatment through support of Quitline Iowa:

36 \$ 350,000>

37 34. Page 68, line 22, by striking <2,654,238> and
38 inserting <2,405,936>

39 35. Page 69, line 14, by striking <REDESIGN> and
40 inserting <MEDICAL ASSISTANCE PROGRAM ADDITIONAL
41 FUNDING>

42 36. Page 69, by striking lines 20 through 22 and
43 inserting:

44 <For the medical assistance program appropriation
45 for the fiscal year for the expense of replacing
46 the enhanced match rate provided through the federal
47 American Recovery and Reinvestment Act of 2009 and
48 for the reduction in the federal medical assistance
49 percentage associated with the mental health and
50 disabilities services for which the match has been paid

Page 5

1 by counties:>

2 37. Page 74, after line 6 by inserting:

3 <Sec. . NEW SECTION. 8A.441 Medication therapy
4 management.

5 1. As used in this section, unless the context
6 otherwise requires:

7 a. "Eligible employee" means an employee of the
8 state, with the exception of an employee of the state
9 board of regents or institutions under the state board
10 of regents, for whom group health plans are established
11 pursuant to chapter 509A providing for third-party
12 payment or prepayment for health or medical expenses.

13 b. "Medication therapy management" means a
14 systematic process performed by a licensed pharmacist,
15 designed to improve quality outcomes for patients
16 and lower health care costs, including emergency
17 room, hospital, provider, and other costs, by

18 optimizing appropriate medication use linked directly
19 to achievement of the clinical goals of therapy.
20 Medication therapy management shall include all of the
21 following services:

22 (1) A medication therapy review and in-person
23 consultation relating to all medications, vitamins, and
24 herbal supplements currently being taken by an eligible
25 individual.

26 (2) A medication action plan, subject to the
27 limitations specified in this section, communicated
28 to the individual and the individual's primary care
29 physician or other appropriate prescriber to address
30 issues including appropriateness, effectiveness,
31 safety, drug interactions, and adherence. The
32 medication action plan may include drug therapy
33 recommendations to prescribers that are needed to meet
34 clinical goals and achieve optimal patient outcomes.

35 (3) Documentation and follow-up to ensure
36 consistent levels of pharmacy services and positive
37 outcomes.

38 2. a. The department shall utilize a request for
39 proposals process and shall enter into a contract for
40 the provision of medication therapy management services
41 for eligible employees who meet any of the following
42 criteria:

43 (1) An individual who takes four or more
44 prescription drugs to treat or prevent two or more
45 chronic medical conditions.

46 (2) An individual with a prescription drug therapy
47 problem who is identified by the prescribing physician
48 or other appropriate prescriber, and referred to a
49 pharmacist for medication therapy management services.

50 (3) An individual who meets other criteria

Page 6

1 established by the third-party payment provider
2 contract, policy, or plan.

3 b. The contract shall require the entity to provide
4 annual reports to the general assembly detailing
5 the costs, savings, estimated cost avoidance and
6 return on investment, and improved patient outcomes
7 related to the medication therapy management services
8 provided. The entity shall guarantee demonstrated
9 annual savings for overall health care costs, including
10 emergency room, hospital, provider, and other costs,
11 with savings including associated cost avoidance, at
12 least equal to the program's costs with any shortfall
13 amount refunded to the state. The contract shall
14 include terms, conditions, and applicable measurement
15 standards associated with the demonstration of savings.
16 The department shall verify the demonstrated savings

17 reported by the entity were achieved in accordance with
18 the agreed upon measurement standards. The entity
19 shall be prohibited from using the entity's employees
20 to provide the medication therapy management services
21 and shall instead be required to contract with licensed
22 pharmacies, pharmacists, or physicians.

23 c. The department may establish an advisory
24 committee comprised of an equal number of physicians
25 and pharmacists to provide advice and oversight in
26 evaluating the results of the program. The department
27 shall appoint the members of the advisory committee
28 based upon designees of the Iowa pharmacy association,
29 the Iowa medical society, and the Iowa osteopathic
30 medical association.

31 d. The fees for pharmacist-delivered medication
32 therapy management services shall be separate from
33 the reimbursement for prescription drug product or
34 dispensing services; shall be determined by each
35 third-party payment provider contract, policy, or plan;
36 and must be reasonable based on the resources and time
37 required to provide the service.

38 e. A fee shall be established for physician
39 reimbursement for services delivered for medication
40 therapy management as determined by each third-party
41 payment provider contract, policy, or plan, and must be
42 reasonable based on the resources and time required to
43 provide the service.

44 f. If any part of the medication therapy management
45 plan developed by a pharmacist incorporates services
46 which are outside the pharmacist's independent scope
47 of practice including the initiation of therapy,
48 modification of dosages, therapeutic interchange, or
49 changes in drug therapy, the express authorization
50 of the individual's physician or other appropriate

Page 7

1 prescriber is required.>

2 38. Page 74, line 16, by striking <annually>

3 39. By striking page 74, line 35, through page 75,
4 line 1, and inserting:

5 <3. The authority shall allocate moneys in the
6 fund to the extent available for the development of
7 supportive housing or the>

8 40. Page 77, after line 35 by inserting:

9 <Sec. __. NEW SECTION. 249A.17 Reimbursement for
10 providers of outpatient clinical services for children.

11 1. Providers that meet the criteria specified in
12 subsection 2, shall receive cost-based reimbursement
13 for one hundred percent of the reasonable costs, as
14 determined by Medicare reimbursement principles, for
15 provision of outpatient clinical services for children

16 who are recipients of medical assistance.

17 2. In order to be eligible for reimbursement under
18 this section, a provider shall be an accredited,
19 nonprofit agency that meets all of the following
20 criteria:

21 a. Provides clinical outpatient services to
22 children of whom at least sixty percent are recipients
23 of medical assistance.

24 b. Provides at least three children's mental health
25 services including inpatient services, outpatient
26 services, psychiatric and psychological services, and
27 behavioral health intervention services.

28 c. Directly employs a psychiatrist, psychologist,
29 and licensed therapist.>

30 41. Page 79, after line 12 by inserting:

31 <Sec. ____ COST-BASED REIMBURSEMENT — PROVIDERS OF
32 CHILDREN'S OUTPATIENT CLINICAL SERVICES.

33 1. The department of human services shall seek
34 federal approval to amend the medical assistance
35 program state plan and shall amend the contract
36 with the department's managed care contractor for
37 behavioral health services under the medical assistance
38 program to provide medical assistance reimbursement to
39 providers that meet the criteria specified in section
40 249A.17, as enacted in this division of this Act, at
41 100 percent of the reasonable costs for recipients of
42 medical assistance for outpatient clinical services for
43 children.

44 2. Implementation of section 249A.17, as enacted
45 in this division of this Act, is contingent upon
46 receipt of federal approval and limited to the funding
47 made available through amending the contract with the
48 managed care contractor.

49 3. The department shall adopt rules pursuant to
50 chapter 17A to provide reimbursement for outpatient

Page 8

1 clinical services for children as described in this
2 section. The rules shall provide that reimbursement
3 shall initially be paid on an interim basis and
4 subsequently adjusted retroactively based on submission
5 of financial and statistical reports as required by the
6 department.>

7 42. Page 79, before line 13 by inserting:

8 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
9 of this division of this Act enacting section 8A.441,
10 being deemed of immediate importance, takes effect upon
11 enactment.>

12 43. Page 85, after line 4 by inserting:

13 <12. Establish a grace period during which a newly

14 employed individual may provide direct care services
 15 before being required to complete the appropriate level
 16 of certification under this chapter.>

JACK HATCH

S-5200

1 Amend Senate File 2336 as follows:
 2 1. Page 77, after line 35 by inserting:
 3 <Sec. ____ Section 237.3, Code 2011, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 11. The department shall adopt
 6 rules to administer a certified foster care respite
 7 provider program to provide respite in a licensed
 8 foster home. The certified respite provider program
 9 shall provide care, supervision, or guidance of a
 10 foster child for a period up to twenty-four hours or
 11 more when the child is placed with a licensed foster
 12 home. The certified foster care respite provider shall
 13 be responsible to have liability insurance to provide
 14 for any loss or damage arising out of occurrences
 15 during the provision of certified foster care respite
 16 provider care.
 17 Sec. ____ Section 237.13, subsection 4, Code 2011,
 18 is amended by adding the following new paragraph:
 19 NEW PARAGRAPH. h. Any loss or damage arising out
 20 of occurrences during the provision of certified foster
 21 care respite provider care pursuant to section 237.3,
 22 subsection 11.>
 23 2. By renumbering as necessary.

STEVE KETTERING

S-5201

1 Amend Senate File 2336 as follows:
 2 1. Page 1, line 23, by striking <35.00> and
 3 inserting <~~35.00~~ 36.00>
 4 2. By striking page 1, line 33, through page 2,
 5 line 1, and inserting:
 6 <~~2. The amount appropriated in this section~~
 7 ~~includes additional funding of \$225,000 for delivery of~~
 8 ~~long term care services to seniors with low or moderate~~
 9 ~~incomes.>~~
 10 3. Page 2, line 32, after <advocate> by inserting
 11 <to administer the certified volunteer long-term care
 12 resident's advocate program pursuant to section 231.45
 13 as enacted in this 2012 Act>
 14 4. Page 3, line 18, by striking <26.003,190> and
 15 inserting <25.653,190>
 16 5. Page 3, line 21, by striking <5.753,830> and

17 inserting <5,403,830>

18 6. Page 3, line 31, after <(2)> by inserting <(a)>

19 7. Page 3, after line 35 by inserting:

20 <(b) For the fiscal year beginning July 1, 2012,
21 and ending June 30, 2013, the terms of a chapter
22 28D agreement, entered into between the division of
23 tobacco use prevention and control of the department
24 of public health and the alcoholic beverages division
25 of the department of commerce, governing compliance
26 checks conducted to ensure licensed retail tobacco
27 outlet conformity with tobacco laws, regulations, and
28 ordinances relating to persons under eighteen years of
29 age, shall restrict the number of such checks to one
30 check per retail outlet, and one additional check for
31 any retail outlet found to be in violation during the
32 first check.>

33 8. Page 11, line 16, by striking <3,419,028> and
34 inserting <3,919,028>

35 9. Page 12, by striking lines 20 through 22 and
36 inserting <inherited disorders. A portion of the funds
37 allocated in this lettered paragraph may be used for
38 one full-time equivalent position for administration
39 of the center.>

40 10. Page 12, after line 25 by inserting:

41 <j. For provision of early prevention screening
42 by pap smear and advanced screening by colposcope for
43 women with incomes below 250 percent of the federal
44 poverty level, as defined by the most recently revised
45 poverty income guidelines issued by the United States
46 department of health and human services, who are
47 not covered by a third-party payer health policy or
48 contract that pays for such procedures and related
49 laboratory services:

50 \$ 500,000

Page 2

1 The department shall distribute the amount
2 appropriated in this lettered paragraph to providers
3 on behalf of eligible persons within the target
4 population.>

5 11. Page 12, line 31, by striking <5,822,987> and
6 inserting <5,485,547>

7 12. Page 14, by striking lines 10 through 14 and
8 inserting:

9 <(a) To establish a grant program for training
10 sexual assault response team (SART) members, including
11 representatives of law enforcement, victim advocates,
12 prosecutors, and certified medical personnel.>

13 13. By striking page 15, line 26, through page 16,
14 line 6, and inserting:

15 <h. (1) Of the funds appropriated in this

16 subsection, \$74,500 shall be used for continued
 17 implementation of the recommendations of the direct
 18 care worker task force established pursuant to 2005
 19 Iowa Acts, chapter 88, based upon the report submitted
 20 to the governor and the general assembly in December
 21 2006. The department may use a portion of the funds
 22 allocated in this lettered paragraph for an additional
 23 position to assist in the continued implementation.>

24 14. Page 18, line 10, by striking <2,895,847> and
 25 inserting <2,395,847>

26 15. By striking page 18, line 30, through page 19,
 27 line 6.

28 16. Page 19, line 12, by striking <2,879,127> and
 29 inserting <3,216,567>

30 17. Page 19, after line 29 by inserting:

31 <d. Of the funds appropriated in this subsection,
 32 \$337,440 shall be used for the purposes of the board
 33 of direct care professionals as established pursuant
 34 to the division of this 2012 Act enacting new Code
 35 chapter 152F. The direct care worker advisory council
 36 established pursuant to 2008 Iowa Acts, chapter 1188,
 37 section 69, may continue to provide expertise and
 38 leadership relating to the recommendations in the
 39 advisory council's final report submitted to the
 40 governor and the general assembly in March 2012.>

41 18. Page 32, by striking lines 9 through 18.

42 19. Page 32, line 28, by striking <845,251,256> and
 43 inserting <845,601,256>

44 20. Page 34, line 21, after <eligibility> by
 45 inserting <and premium amounts>

46 21. Page 34, line 35, by striking <are appropriated
 47 to and>

48 22. Page 37, line 22, by striking <\$128,950> and
 49 inserting <\$141,450>

50 23. Page 41, line 23, after <section.> by inserting

Page 3

1 <The department may transfer funds appropriated in this
 2 section to the appropriation made in this division of
 3 this Act for adoption subsidy to support the adjustment
 4 in reimbursement rates for specified child welfare
 5 providers as provided in this 2012 Act.>

6 24. Page 41, line 25, by striking <\$31,372,177> and
 7 inserting <\$31,438,622>

8 25. Page 42, line 29, by striking <\$7,370,116> and
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10 26. Page 48, line 16, after <subsidy.> by inserting
 11 <The department may transfer funds appropriated in this
 12 section to the appropriation made in this division of
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 14 adjustment in reimbursement rates for specified child

15 welfare providers as provided in this 2012 Act.>
 16 27. Page 53, line 20, by striking <95.90> and
 17 inserting <115.50>
 18 28. Page 54, line 28, by striking <285.00> and
 19 inserting <285.00 295.00>
 20 29. Page 56, line 1, by striking <\$237,226.901> and
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 22 30. Page 56, after line 1 by inserting:
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 24 141, subsection 1, paragraph a, is amended by adding
 25 the following new subparagraph:
 26 NEW SUBPARAGRAPH. (1A) For the fiscal year
 27 beginning July 1, 2012, and ending June 30, 2013,
 28 and within the total state funding amount identified
 29 in subparagraph (1), the department shall distribute
 30 not more than \$2,500,000 in reimbursement to nursing
 31 facilities by adjusting the statewide median of the
 32 direct care component of nursing facility costs based
 33 upon the most recent cost report submitted by the
 34 nursing facility for the period ending on or before
 35 December 31, 2011, and inflating these costs forward to
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 37 and applying the skilled nursing facility market basket
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 39 calculated under this subparagraph as necessary to
 40 maintain expenditures of the nursing facility budget
 41 within the state funding amount specified in this
 42 subparagraph and within the total state funding amount
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 44 31. Page 56, by striking lines 9 and 10 and
 45 inserting <single rate of range between \$4.34 per
 46 prescription or the pharmacy's usual and customary fee,
 47 whichever is lower, and \$11.10 per prescription. The
 48 actual dispensing fee set within the range shall be
 49 determined by a cost of dispensing survey performed
 50 by the department and required to be completed by all

Page 4

1 medical assistance program participating pharmacies.
 2 ~~However,~~>
 3 32. Page 56, by striking lines 15 through 24 and
 4 inserting:
 5 <(2) The department shall implement an average
 6 acquisition cost reimbursement methodology for all
 7 drugs covered under the medical assistance program.
 8 The methodology shall utilize a survey of pharmacy
 9 invoices from a rotation of pharmacies in determining
 10 the average acquisition cost component of pharmacy
 11 reimbursement. Pharmacies and providers that are
 12 enrolled in the medical assistance program shall make
 13 available drug acquisition cost invoice information.

14 product availability information if known, and other
15 information deemed necessary by the department to
16 assist the department in monitoring and revising the
17 reimbursement rates and for efficient operation of
18 the pharmacy benefit. The department shall provide a
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25 PROVIDERS

26 Sec. ____ 2011 Iowa Acts, chapter 129, section 141,
27 is amended by adding the following new subsection:

28 NEW SUBSECTION. 6A. For the fiscal year beginning
29 July 1, 2012, the department shall adjust the
30 foster family basic daily maintenance rate, the
31 maximum adoption subsidy rates for children, the
32 family-centered service providers rate, the family
33 foster care service providers rate, the group foster
34 care service providers rate, and the resource family
35 recruitment and retention contractor rate, as such
36 rates are identified in this section and were in effect
37 on June 30, 2012, in order to distribute an additional
38 \$3,070,512 in state reimbursements equitably to such
39 providers for the fiscal year.>

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43 inserting <1,956,245 4,106,245>

44 36. Page 66, by striking lines 10 through 23.

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Page 5

1 inserting <2,405,936>

2 39. Page 69, line 28, by striking <REDESIGN> and
3 inserting <MEDICAL ASSISTANCE PROGRAM ADDITIONAL
4 FUNDING>

5 40. Page 70, by striking lines 9 through 11 and
6 inserting:

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10 American Recovery and Reinvestment Act of 2009 and
11 for the reduction in the federal medical assistance
12 percentage associated with the mental health and

13 disabilities services for which the match has been paid
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 18 1. As used in this section, unless the context
 19 otherwise requires:
 20 a. "Eligible employee" means an employee of the
 21 state, with the exception of an employee of the state
 22 board of regents or institutions under the state board
 23 of regents, for whom group health plans are established
 24 pursuant to chapter 509A providing for third-party
 25 payment or prepayment for health or medical expenses.
 26 b. "Medication therapy management" means a
 27 systematic process performed by a licensed pharmacist,
 28 designed to improve quality outcomes for patients
 29 and lower health care costs, including emergency
 30 room, hospital, provider, and other costs, by
 31 optimizing appropriate medication use linked directly
 32 to achievement of the clinical goals of therapy.
 33 Medication therapy management shall include all of the
 34 following services:
 35 (1) A medication therapy review and in-person
 36 consultation relating to all medications, vitamins, and
 37 herbal supplements currently being taken by an eligible
 38 individual.
 39 (2) A medication action plan, subject to the
 40 limitations specified in this section, communicated
 41 to the individual and the individual's primary care
 42 physician or other appropriate prescriber to address
 43 issues including appropriateness, effectiveness,
 44 safety, drug interactions, and adherence. The
 45 medication action plan may include drug therapy
 46 recommendations to prescribers that are needed to meet
 47 clinical goals and achieve optimal patient outcomes.
 48 (3) Documentation and follow-up to ensure
 49 consistent levels of pharmacy services and positive
 50 outcomes.

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1 2. a. The department shall utilize a request for
 2 proposals process and shall enter into a contract for
 3 the provision of medication therapy management services
 4 for eligible employees who meet any of the following
 5 criteria:
 6 (1) An individual who takes four or more
 7 prescription drugs to treat or prevent two or more
 8 chronic medical conditions.
 9 (2) An individual with a prescription drug therapy
 10 problem who is identified by the prescribing physician
 11 or other appropriate prescriber, and referred to a

12 pharmacist for medication therapy management services.

13 (3) An individual who meets other criteria
14 established by the third-party payment provider
15 contract, policy, or plan.

16 b. The contract shall require the entity to provide
17 annual reports to the general assembly detailing
18 the costs, savings, estimated cost avoidance and
19 return on investment, and improved patient outcomes
20 related to the medication therapy management services
21 provided. The entity shall guarantee demonstrated
22 annual savings for overall health care costs, including
23 emergency room, hospital, provider, and other costs,
24 with savings including associated cost avoidance, at
25 least equal to the program's costs with any shortfall
26 amount refunded to the state. The contract shall
27 include terms, conditions, and applicable measurement
28 standards associated with the demonstration of savings.
29 The department shall verify the demonstrated savings
30 reported by the entity were achieved in accordance with
31 the agreed upon measurement standards. The entity
32 shall be prohibited from using the entity's employees
33 to provide the medication therapy management services
34 and shall instead be required to contract with licensed
35 pharmacies, pharmacists, or physicians.

36 c. The department may establish an advisory
37 committee comprised of an equal number of physicians
38 and pharmacists to provide advice and oversight in
39 evaluating the results of the program. The department
40 shall appoint the members of the advisory committee
41 based upon designees of the Iowa pharmacy association,
42 the Iowa medical society, and the Iowa osteopathic
43 medical association.

44 d. The fees for pharmacist-delivered medication
45 therapy management services shall be separate from
46 the reimbursement for prescription drug product or
47 dispensing services; shall be determined by each
48 third-party payment provider contract, policy, or plan;
49 and must be reasonable based on the resources and time
50 required to provide the service.

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1 e. A fee shall be established for physician
2 reimbursement for services delivered for medication
3 therapy management as determined by each third-party
4 payment provider contract, policy, or plan, and must be
5 reasonable based on the resources and time required to
6 provide the service.

7 f. If any part of the medication therapy management
8 plan developed by a pharmacist incorporates services
9 which are outside the pharmacist's independent scope
10 of practice including the initiation of therapy,

11 modification of dosages, therapeutic interchange, or
 12 changes in drug therapy, the express authorization
 13 of the individual's physician or other appropriate
 14 prescriber is required.>

15 42. Page 75, line 5, by striking <annually>

16 43. Page 75, by striking lines 24 and 25 and
 17 inserting:

18 <3. The authority shall allocate moneys in the
 19 fund to the extent available for the development of
 20 supportive housing or the>

21 44. Page 78, after line 24 by inserting:

22 <Sec. ____ NEW SECTION. 249A.17 Reimbursement for
 23 providers of outpatient clinical services for children.

24 1. Providers that meet the criteria specified in
 25 subsection 2, shall receive cost-based reimbursement
 26 for one hundred percent of the reasonable costs, as
 27 determined by Medicare reimbursement principles, for
 28 provision of outpatient clinical services for children
 29 who are recipients of medical assistance.

30 2. In order to be eligible for reimbursement under
 31 this section, a provider shall be an accredited,
 32 nonprofit agency that meets all of the following
 33 criteria:

34 a. Provides clinical outpatient services to
 35 children of whom at least sixty percent are recipients
 36 of medical assistance.

37 b. Provides at least three children's mental health
 38 services including inpatient services, outpatient
 39 services, psychiatric and psychological services, and
 40 behavioral health intervention services.

41 c. Directly employs a psychiatrist, psychologist,
 42 and licensed therapist.>

43 45. Page 80, after line 1 by inserting:

44 <Sec. ____ COST-BASED REIMBURSEMENT — PROVIDERS OF
 45 CHILDREN'S OUTPATIENT CLINICAL SERVICES.

46 1. The department of human services shall seek
 47 federal approval to amend the medical assistance
 48 program state plan and shall amend the contract
 49 with the department's managed care contractor for
 50 behavioral health services under the medical assistance

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1 program to provide medical assistance reimbursement to
 2 providers that meet the criteria specified in section
 3 249A.17, as enacted in this division of this Act, at
 4 100 percent of the reasonable costs for recipients of
 5 medical assistance for outpatient clinical services for
 6 children.

7 2. Implementation of section 249A.17, as enacted
 8 in this division of this Act, is contingent upon
 9 receipt of federal approval and limited to the funding

10 made available through amending the contract with the
11 managed care contractor.

12 3. The department shall adopt rules pursuant to
13 chapter 17A to provide reimbursement for outpatient
14 clinical services for children as described in this
15 section. The rules shall provide that reimbursement
16 shall initially be paid on an interim basis and
17 subsequently adjusted retroactively based on submission
18 of financial and statistical reports as required by the
19 department.>

20 46. Page 80, before line 2 by inserting:

21 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
22 of this division of this Act enacting section 8A.441,
23 being deemed of immediate importance, takes effect upon
24 enactment.>

25 47. Page 84, line 20, after <chapter> by inserting
26 <1188, section>

27 48. Page 85, after line 28 by inserting:

28 <12. Establish a grace period during which a newly
29 employed individual may provide direct care services
30 before being required to complete the appropriate level
31 of certification under this chapter.>

32 49. By renumbering as necessary.

JACK HATCH

S-5202

1 Amend Senate File 2336 as follows:

2 1. Page 78, after line 24 by inserting:

3 <Sec. _____. Section 237.3, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 11. The department shall adopt
6 rules to administer a certified foster care respite
7 provider program to provide respite in a licensed
8 foster home. The certified respite provider program
9 shall provide care, supervision, or guidance of a
10 foster child when the child is placed with a licensed
11 foster home. The certified foster care respite
12 provider shall be responsible to have liability
13 insurance to provide for any loss or damage arising out
14 of occurrences during the provision of certified foster
15 care respite provider care.

16 Sec. _____. Section 237.13, subsection 4, Code 2011,
17 is amended by adding the following new paragraph:
18 NEW PARAGRAPH. h. Any loss or damage arising out
19 of occurrences during the provision of certified foster
20 care respite provider care pursuant to section 237.3,
21 subsection 11.>

22 2. By renumbering as necessary.

STEVE KETTERING

S-5203

- 1 Amend Senate File 2336 as follows:
2 1. Page 78, after line 24 by inserting:
3 <Sec. ____ NEW SECTION. 239B.2C Substance abuse
4 screening.
5 1. For the purposes of this section, unless the
6 context otherwise requires, “substance abuse screening
7 program” or “screening program” means the substance
8 abuse screening program administered pursuant to this
9 section.
10 2. The substance abuse screening program
11 requirements of this section apply to the following
12 applicants for assistance under this chapter:
13 a. Each adult parent, guardian, or specified
14 relative who is included in the applicant family,
15 including both parents of a two-parent family, or
16 an individual who may be exempt from work activity
17 requirements due to the age of the youngest child or
18 who may be exempt from work activity requirements under
19 the PROMISE JOBS program.
20 b. A minor parent who is not required to live
21 with a parent, guardian, or other adult caretaker in
22 accordance with this chapter.
23 3. As a condition of eligibility for an applicant
24 who is subject to this section to participate in the
25 family investment program, the applicant shall, if not
26 otherwise prohibited by state or federal law, agree to
27 participate in the substance abuse screening program.
28 4. The department shall design and implement a
29 substance abuse screening program for applicants who
30 are subject to this section. To the extent authorized
31 under applicable federal requirements, the screening
32 program shall include but is not limited to all of the
33 following elements:
34 a. Random drug testing of a percentage of the
35 applicants. Such testing shall be conducted on an
36 applicant’s blood or urine for the presence of a
37 controlled substance. However, if the information
38 available in regard to a specific applicant indicates
39 there is a strong likelihood that the applicant is
40 using a controlled substance, such testing may be
41 required.
42 b. Assure each applicant being drug tested a
43 reasonable degree of dignity while producing and
44 submitting a sample for drug testing, consistent with
45 the department’s need to ensure the reliability of the
46 sample.
47 c. The results of the blood or urine testing shall
48 not be admissible in any criminal proceeding without
49 the consent of the person subject to the testing.
50 d. Provision for the cost of the blood or urine

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1 testing under the screening program to be paid by the
2 applicant.

3 e. Provide any applicant who tests positive in a
4 drug test under the screening program with a list of
5 licensed substance abuse treatment programs available
6 in the area in which the applicant resides. Neither
7 the department nor the state is not responsible for
8 providing or paying for substance abuse treatment as
9 part of the screening conducted under this section.

10 f. An applicant with a positive drug test result
11 who is denied assistance under this chapter may
12 reapply for assistance at any time if the individual
13 can document the successful completion of a licensed
14 substance abuse treatment program. An applicant
15 who has met the requirements of this paragraph
16 and reapplies for assistance must also pass a drug
17 test under the screening program in order for the
18 application to be approved. Any drug test conducted
19 while the individual is undergoing substance abuse
20 treatment must meet the requirements for a drug test
21 under the screening program. The cost of any drug
22 testing or substance abuse treatment provided under
23 this subsection shall be the responsibility of the
24 individual being tested or receiving treatment.

25 g. Other design, operation, and standards
26 provisions adopted in rule to ensure the screening
27 program is implemented in a fair and economical manner.

28 5. An adult applicant is not eligible to
29 participate in the family investment program if any of
30 the following is applicable:

31 a. The applicant does not agree to participate in
32 the substance abuse screening program.

33 b. The applicant tests positive in a blood or urine
34 drug test administered under the screening program for
35 the presence of either of the following:

36 (1) A substance listed in schedule I under section
37 124.204.

38 (2) A substance listed in schedule II, III, or
39 IV under chapter 124 that was not prescribed for the
40 applicant or participant.

41 6. If an applicant parent is deemed ineligible for
42 assistance as a result of having a positive test result
43 from a drug test conducted under the screening program,
44 all of the following apply:

45 a. The eligibility of the applicant's dependent
46 child for assistance is not affected.

47 b. An appropriate protective payee shall be
48 designated to receive assistance on behalf of the
49 dependent child. The applicant parent may choose
50 to designate an individual as the protective payee.

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- 1 The individual designated by the applicant parent
 2 as the protective payee must be a specified relative
 3 or other immediate family member unless such family
 4 member is not available or the family member declines
 5 the designation. In which case another individual,
 6 approved by the department, shall be designated as the
 7 protective payee. The individual must also participate
 8 in the screening program before being approved to be
 9 the protective payee. If the designated individual has
 10 a positive test result, the designated individual shall
 11 be ineligible to be the protective payee.
 12 7. The department shall adopt rules to implement
 13 this section.>
 14 2. By renumbering as necessary.

MARK CHELGREN

S-5204

- 1 Amend Senate File 2336 as follows:
 2 1. Page 80, after line 1 by inserting:
 3 <Sec. ____ Section 598.21B, Code 2011, is amended
 4 by adding the following new subsection:
 5 NEW SUBSECTION. 5. Substance abuse screening.
 6 Orders made pursuant to this section shall provide
 7 that a parent who is not awarded primary physical care
 8 of a child and who is ordered to pay child support
 9 under this section may request that the parent awarded
 10 primary physical care of the child participate in a
 11 substance abuse screening, not more than once every
 12 six months, at the expense of the parent requesting
 13 the substance abuse screening. If a parent ordered to
 14 participate in the substance abuse screening does not
 15 comply with the order, the noncompliance constitutes
 16 contempt and grounds for modification of the child
 17 support order pursuant to section 598.21C. If the
 18 court finds the parent awarded primary physical care to
 19 be noncompliant during the modification proceeding, the
 20 court shall modify the order to require that the child
 21 support obligation be paid to a protective payee on
 22 behalf of the child until such time as the noncompliant
 23 parent complies with the order for participation in the
 24 substance abuse screening.>
 25 2. By renumbering as necessary.

MARK CHELGREN

S-5205

1 Amend House File 2459, as passed by the House, as
2 follows:
3 1. Page 3, after line 10 by inserting:
4 <Sec. ____ Section 182.14, Code 2011, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 2A. An assessment shall not
7 be imposed upon a producer as otherwise provided
8 in subsection 2, if the producer exercises a right
9 to retention as provided in this subsection. The
10 producer shall exercise such right by submitting an
11 objection to the board. The objection shall be on a
12 form promulgated by the board and must be completed
13 and signed by the producer as required by the board.
14 The board shall adopt rules necessary to implement and
15 administer this subsection.>
16 2. By renumbering as necessary.

THOMAS G. COURTNEY

S-5206

1 Amend Senate File 2336 as follows:
2 1. Page 32, by striking lines 25 and 26 and
3 inserting <expressly authorized by law, ~~and consistent~~
4 ~~with options under federal law and regulations:~~>
5 2. Page 32, after line 28 by inserting:
6 <Sec. ____ 2011 Iowa Acts, chapter 129, section
7 122, subsection 1, is amended to read as follows:
8 ~~1. Iowans support reducing the number of abortions~~
9 ~~performed in our state. For an abortion covered under~~
10 ~~the program, except in the case of a medical emergency,~~
11 ~~as defined in section 135L.1, for any woman, the~~
12 ~~physician shall certify both of the following:~~
13 ~~a. That the woman has been given the opportunity to~~
14 ~~view an ultrasound image of the fetus as part of the~~
15 ~~standard of care before an abortion is performed.~~
16 ~~b. That the woman has been provided information~~
17 ~~regarding the options relative to a pregnancy,~~
18 ~~including continuing the pregnancy to term and~~
19 ~~retaining parental rights following the child's birth,~~
20 ~~continuing the pregnancy to term and placing the child~~
21 ~~for adoption, and terminating the pregnancy. Funds~~
22 ~~appropriated in this section shall not be used to fund~~
23 ~~the performance of any abortions in this state.>~~
24 3. Page 60, after line 7 by inserting:
25 <Sec. ____ 2011 Iowa Acts, chapter 129, section
26 146, subsection 1, paragraph a, is amended to read as

27 follows:

- 28 a. ~~(1)~~ Funds appropriated in this subsection
 29 shall not be used for to fund the performance of any
 30 abortions shall be used in a manner consistent with
 31 options under federal Medicaid law and regulation in
 32 this state.
 33 ~~(2) Iowans support reducing the number of abortions~~
 34 ~~performed in our state. For an abortion covered~~
 35 ~~under this subsection, except in the case of a medical~~
 36 ~~emergency, as defined in section 135L.1, for any woman,~~
 37 ~~the physician shall certify both of the following:~~
 38 ~~(a) That the woman has been given the opportunity~~
 39 ~~to view an ultrasound image of the fetus as part of the~~
 40 ~~standard of care before an abortion is performed.~~
 41 ~~(b) That the woman has been provided information~~
 42 ~~regarding the options relative to a pregnancy,~~
 43 ~~including continuing the pregnancy to term and~~
 44 ~~retaining parental rights following the child's birth,~~
 45 ~~continuing the pregnancy to term and placing the child~~
 46 ~~for adoption, and terminating the pregnancy.->~~
 47 4. By renumbering as necessary.

DAVID JOHNSON
 STEVE KETTERING
 PAUL MCKINLEY
 JAMES F. HAHN
 BILL ANDERSON
 KENT SORENSON
 JERRY BEHN
 JONI ERNST
 BRAD ZAUN
 RICK BERTRAND
 RANDY FEENSTRA
 ROBY SMITH
 JACK WHITVER

S-5207

- 1 Amend Senate File 2336 as follows:
 2 1. Page 32, by striking lines 25 and 26 and
 3 inserting <expressly authorized by law, ~~and consistent~~
 4 ~~with options under federal law and regulations:>~~
 5 2. Page 32, after line 28 by inserting:
 6 <Sec. ___. 2011 Iowa Acts, chapter 129, section
 7 122, subsection 1, is amended to read as follows:
 8 1. ~~Iowans support reducing the number of abortions~~
 9 ~~performed in our state. For an abortion covered under~~
 10 ~~the program, except in the case of a medical emergency,~~
 11 ~~as defined in section 135L.1, for any woman, the~~

12 physician shall certify both of the following:

13 a. ~~That the woman has been given the opportunity to~~
 14 ~~view an ultrasound image of the fetus as part of the~~
 15 ~~standard of care before an abortion is performed.~~

16 b. ~~That the woman has been provided information~~
 17 ~~regarding the options relative to a pregnancy,~~
 18 ~~including continuing the pregnancy to term and~~
 19 ~~retaining parental rights following the child's birth,~~
 20 ~~continuing the pregnancy to term and placing the child~~
 21 ~~for adoption, and terminating the pregnancy. Funds~~
 22 ~~appropriated in this section shall not be used to fund~~
 23 ~~the performance of any abortions in this state.>~~

24 3. Page 59, after line 24 by inserting:

25 <FAMILY PLANNING SERVICES FUNDING

26 Sec. __. 2011 Iowa Acts, chapter 129, is amended

27 by adding the following new section:

28 NEW SECTION. SEC. 143A. FUNDING OF FAMILY PLANNING

29 SERVICES. A department to which appropriations are
 30 made in this 2012 Act shall not distribute state
 31 funds for family planning services to any entity that
 32 performs abortions in this state or that maintains
 33 or operates a facility where abortions are performed
 34 in this state. For the purposes of this section,
 35 distribution of state funds includes any expenditure,
 36 award, or other distribution of state funds for family
 37 planning services.>

38 4. Page 60, after line 7 by inserting:

39 <Sec. __. 2011 Iowa Acts, chapter 129, section
 40 146, subsection 1, paragraph a, is amended to read as
 41 follows:

42 a. ~~(1) Funds appropriated in this subsection~~
 43 ~~shall not be used for to fund the performance of any~~
 44 ~~abortions shall be used in a manner consistent with~~
 45 ~~options under federal Medicaid law and regulation in~~
 46 ~~this state.~~

47 ~~(2) Iowans support reducing the number of abortions~~
 48 ~~performed in our state. For an abortion covered~~
 49 ~~under this subsection, except in the case of a medical~~
 50 ~~emergency, as defined in section 135L.1, for any woman,~~

Page 2

1 the physician shall certify both of the following:

2 (a) ~~That the woman has been given the opportunity~~
 3 ~~to view an ultrasound image of the fetus as part of the~~
 4 ~~standard of care before an abortion is performed.~~

5 (b) ~~That the woman has been provided information~~
 6 ~~regarding the options relative to a pregnancy,~~
 7 ~~including continuing the pregnancy to term and~~

8 ~~retaining parental rights following the child's birth,~~
 9 ~~continuing the pregnancy to term and placing the child~~
 10 ~~for adoption, and terminating the pregnancy.>~~
 11 5. By renumbering as necessary.

DAVID JOHNSON
 ROBY SMITH
 RANDY FEENSTRA
 JAMES F. HAHN
 STEVE KETTERING
 JONI ERNST
 RICK BERTRAND
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 KENT SORENSON
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 PAUL MCKINLEY
 MARK CHELGREN
 JACK WHITVER

S-5208

1 Amend the amendment, S-5203, to Senate File 2336 as
 2 follows:
 3 1. By striking page 1, line 3, through page 3, line
 4 13, and inserting:
 5 <<Sec. __. NEW SECTION. 239B.2C Absence from home
 6 — incarceration.
 7 An individual family member who is absent from the
 8 home for more than three months because the individual
 9 is incarcerated in jail or a correctional facility
 10 shall not be included in the family unit for purposes
 11 of assistance. >>

ROBERT M. HOGG
 JACK HATCH

S-5209

1 Amend the amendment, S-5203, to Senate File 2336 as
 2 follows:
 3 1. By striking page 1, line 1, through page 3, line
 4 14, and inserting:
 5 <Amend Senate File 2336 as follows:
 6 __. Page 78, after line 24 by inserting:
 7 <Sec. __. NEW SECTION. 239B.2C Absence from home
 8 — incarceration.
 9 An individual family member who is absent from the
 10 home for more than three months because the individual
 11 is incarcerated in jail or a correctional facility
 12 shall not be included in the family unit for purposes
 13 of assistance.

14 Sec. ____ NEW SECTION. 239B.2D Substance abuse
15 screening.

16 1. For the purposes of this section, unless the
17 context otherwise requires, “substance abuse screening
18 program” or “screening program” means the substance
19 abuse screening program administered pursuant to this
20 section.

21 2. The substance abuse screening program
22 requirements of this section apply to the following
23 applicants for assistance under this chapter:

24 a. Each adult parent, guardian, or specified
25 relative who is included in the applicant family,
26 including both parents of a two-parent family, or
27 an individual who may be exempt from work activity
28 requirements due to the age of the youngest child or
29 who may be exempt from work activity requirements under
30 the PROMISE JOBS program.

31 b. A minor parent who is not required to live
32 with a parent, guardian, or other adult caretaker in
33 accordance with this chapter.

34 3. As a condition of eligibility for an applicant
35 who is subject to this section to participate in the
36 family investment program, the applicant shall, if not
37 otherwise prohibited by state or federal law, agree to
38 participate in the substance abuse screening program.

39 4. The department shall design and implement a
40 substance abuse screening program for applicants who
41 are subject to this section. To the extent authorized
42 under applicable federal requirements, the screening
43 program shall include but is not limited to all of the
44 following elements:

45 a. Random drug testing of a percentage of the
46 applicants. Such testing shall be conducted on an
47 applicant’s blood or urine for the presence of a
48 controlled substance. However, if the information
49 available in regard to a specific applicant indicates
50 there is a strong likelihood that the applicant is

Page 2

1 using a controlled substance, such testing may be
2 required.

3 b. Assure each applicant being drug tested a
4 reasonable degree of dignity while producing and
5 submitting a sample for drug testing, consistent with
6 the department’s need to ensure the reliability of the
7 sample.

8 c. The results of the blood or urine testing shall
9 not be admissible in any criminal proceeding without
10 the consent of the person subject to the testing.

11 d. Provision for the cost of the blood or urine
12 testing under the screening program to be paid by the

13 applicant.

14 e. Provide any applicant who tests positive in a
15 drug test under the screening program with a list of
16 licensed substance abuse treatment programs available
17 in the area in which the applicant resides. Neither
18 the department nor the state is not responsible for
19 providing or paying for substance abuse treatment as
20 part of the screening conducted under this section.

21 f. An applicant with a positive drug test result
22 who is denied assistance under this chapter may
23 reapply for assistance at any time if the individual
24 can document the successful completion of a licensed
25 substance abuse treatment program. An applicant
26 who has met the requirements of this paragraph
27 and reapplies for assistance must also pass a drug
28 test under the screening program in order for the
29 application to be approved. Any drug test conducted
30 while the individual is undergoing substance abuse
31 treatment must meet the requirements for a drug test
32 under the screening program. The cost of any drug
33 testing or substance abuse treatment provided under
34 this subsection shall be the responsibility of the
35 individual being tested or receiving treatment.

36 g. Other design, operation, and standards
37 provisions adopted in rule to ensure the screening
38 program is implemented in a fair and economical manner.

39 5. An adult applicant is not eligible to
40 participate in the family investment program if any of
41 the following is applicable:

42 a. The applicant does not agree to participate in
43 the substance abuse screening program.

44 b. The applicant tests positive in a blood or urine
45 drug test administered under the screening program for
46 the presence of either of the following:

47 (1) A substance listed in schedule I under section
48 124.204.

49 (2) A substance listed in schedule II, III, or
50 IV under chapter 124 that was not prescribed for the

Page 3

1 applicant or participant.

2 6. If an applicant parent is deemed ineligible for
3 assistance as a result of having a positive test result
4 from a drug test conducted under the screening program,
5 all of the following apply:

6 a. The eligibility of the applicant's dependent
7 child for assistance is not affected.

8 b. An appropriate protective payee shall be
9 designated to receive assistance on behalf of the
10 dependent child. The applicant parent may choose
11 to designate an individual as the protective payee.

12 The individual designated by the applicant parent
 13 as the protective payee must be a specified relative
 14 or other immediate family member unless such family
 15 member is not available or the family member declines
 16 the designation. In which case another individual,
 17 approved by the department, shall be designated as the
 18 protective payee. The individual must also participate
 19 in the screening program before being approved to be
 20 the protective payee. If the designated individual has
 21 a positive test result, the designated individual shall
 22 be ineligible to be the protective payee.
 23 7. The department shall adopt rules to implement
 24 this section.>
 25 ___. By renumbering as necessary.>

MARK CHELGREN

S-5210

1 Amend Senate File 2336 as follows:
 2 1. Page 78, after line 24 by inserting:
 3 <Sec. ___. NEW SECTION. 239B.2C Absence from home
 4 — incarceration.
 5 An individual family member who is absent from the
 6 home for more than three months because the individual
 7 is incarcerated in jail or a correctional facility
 8 shall not be included in the family unit for purposes
 9 of assistance.>

ROBERT M. HOGG
 JACK HATCH

S-5211

1 Amend the amendment, S-5062, to Senate File 2283, as
 2 passed by the Senate, as follows:
 3 1. Page 1, after line 2 by inserting:
 4 <___. Page 2, line 15, before <which> by inserting
 5 <and its subspecies>
 6 ___. Page 2, line 22, after <pheasant.> by
 7 inserting <This subsection is not applicable to game
 8 birds released for officially sanctioned field meets or
 9 trials and retriever meets or trials on private land
 10 pursuant to section 481A.22, pen-raised game birds used
 11 on private land pursuant to section 481A.56. or game
 12 birds released on hunting preserves pursuant to chapter
 13 484B.>>
 14 2. By renumbering as necessary.

DENNIS H. BLACK

S-5212

- 1 Amend the amendment, S-5195, to House File 675,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, after line 49 by inserting:
 5 <__. Page 20, after line 9 by inserting:
 6 <12. The administrator shall make, or cause to be
 7 made, preservation duplicates of state construction
 8 registry records, including records stored in a
 9 computer database. Any preservation duplicate record
 10 shall be accurate, complete, and clear, and shall be
 11 made, preserved, and made accessible to the public by
 12 means designated by the administrator by rule. >>
 - 13 2. Page 2, by striking lines 2 through 14.
 - 14 3. By renumbering, redesignating, and correcting
 15 internal references as necessary.

ROBERT M. HOGG

S-5213

- 1 Amend Senate File 2334 as follows:
 2 1. Page 1, line 21, by striking <100,000> and
 3 inserting <300,000>

JEFF DANIELSON

S-5214

- 1 Amend the amendment, S-5130, to House File 2329,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 6 through 18.

DICK L. DEARDEN

S-5215

HOUSE AMENDMENT TO
 SENATE FILE 430

- 1 Amend Senate File 430, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 1, through page 2, line
 4 22, and inserting:
 5 <Section 1. Section 21.6, subsection 3, paragraph
 6 a, subparagraph (3), Code Supplement 2011, is amended
 7 to read as follows:
 8 (3) Reasonably relied upon a decision of a court,
 9 a formal opinion of the Iowa public information

10 board, the attorney general, or the attorney for the
11 governmental body, given in writing, or as memorialized
12 in the minutes of the meeting at which a formal oral
13 opinion was given, or an advisory opinion of the Iowa
14 public information board, the attorney general, or the
15 attorney for the governmental body, given in writing.

16 Sec. ____ Section 22.7, Code Supplement 2011, is
17 amended by adding the following new subsection:
18 NEW SUBSECTION. 65. Tentative, preliminary,
19 draft, speculative, or research material, prior
20 to its completion for the purpose for which it is
21 intended and in a form prior to the form in which it is
22 submitted for use or used in the actual formulation,
23 recommendation, adoption, or execution of any official
24 policy or action by a public official authorized to
25 make such decisions for the governmental body or the
26 government body. This subsection shall not apply to
27 public records that are actually submitted for use or
28 are used in the formulation, recommendation, adoption,
29 or execution of any official policy or action of a
30 governmental body or a government body by a public
31 official authorized to adopt or execute official policy
32 for the governmental body or the government body.

33 Sec. ____ Section 22.10, subsection 3, paragraph
34 b, subparagraph (3), Code Supplement 2011, is amended
35 to read as follows:

36 (3) Reasonably relied upon a decision of a court,
37 a formal opinion of the Iowa public information
38 board, the attorney general, or the attorney for the
39 government body, given in writing, or as memorialized
40 in the minutes of the meeting at which a formal oral
41 opinion was given, or an advisory opinion of the Iowa
42 public information board, the attorney general, or the
43 attorney for the government body, given in writing.>

44 2. Page 3, by striking lines 19 through 31 and
45 inserting:

46 <1. An Iowa public information board is created
47 consisting of nine members appointed by the governor,
48 subject to confirmation by the senate. No more than
49 three members appointed shall be representatives from
50 the media including newspapers and no more than three

Page 2

1 members appointed shall be representatives of cities,
2 counties, and other political subdivisions of the
3 state.>

4 3. Page 3, by striking lines 32 through 35 and
5 inserting:

6 <2. Appointments to the board shall be subject to
7 sections 69.16 and 69.16A.>

8 4. Page 4, line 4, by striking <four> and inserting

- 9 <five>
- 10 5. Page 4, after line 12 by inserting:
- 11 <8. The board shall be an independent agency.>
- 12 6. Page 4, line 32, by striking <dismiss the action
- 13 without prejudice> and inserting <stay the action
- 14 pending resolution of the complaint with the board>
- 15 7. Page 5, line 1, by striking <dismissed> and
- 16 inserting <stayed>
- 17 8. Page 5, by striking lines 12 through 18 and
- 18 inserting:
- 19 <1. Employ one employee as executive director who
- 20 is an attorney admitted to practice law in the courts
- 21 of this state to execute its authority and prosecute
- 22 respondents in proceedings before the board and to
- 23 represent the board in proceedings before a court.>
- 24 9. By striking page 7, line 32, through page 8,
- 25 line 1.
- 26 10. Page 9, line 25, after <respondent.> by
- 27 inserting <Notwithstanding section 17A.10A, if there
- 28 are no material facts in dispute, the board may order
- 29 that the contested case procedures relating to the
- 30 presentation of evidence shall not apply.>
- 31 11. Page 9, line 25, after <by the> by inserting
- 32 <executive>
- 33 12. Page 10, after line 11 by inserting:
- 34 <(3) Require the respondent to take any remedial
- 35 action deemed appropriate by the board.>>
- 36 13. By striking page 10, line 33, through page 11,
- 37 line 6.
- 38 14. Page 11, line 11, by striking <2011> and
- 39 inserting <2012>
- 40 15. Page 11, by striking lines 13 and 14 and
- 41 inserting <contrary, the executive director of the
- 42 board shall not be hired prior to July 1, 2013.>
- 43 16. Page 11, line 15, by striking <2012> and
- 44 inserting <2013>
- 45 17. Page 11, line 19, after <operations,> by
- 46 inserting <procedures for the handling of confidential
- 47 information by the executive director and members of
- 48 the board, conflict of interest policies for board
- 49 members,>
- 50 18. Page 11, line 23, by striking <2012> and

Page 3

- 1 inserting <2013>
- 2 19. Title page, line 3, by striking <fee and>
- 3 20. By renumbering as necessary.

S-5216HOUSE AMENDMENT TO
SENATE FILE 2284

1 Amend Senate File 2284, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

<DIVISION I

COMPETENCY-BASED INSTRUCTION

7 Section 1. Section 256.7, subsection 26, paragraph
8 a, Code Supplement 2011, is amended by adding the
9 following new subparagraph:

10 NEW SUBPARAGRAPH. (02) The rules shall allow a
11 school district or accredited nonpublic school to award
12 high school credit to a student upon the demonstration
13 of required competencies for a course or content area,
14 as approved by an appropriately licensed teacher. The
15 school district or accredited nonpublic school shall
16 determine the assessment methods by which a student
17 demonstrates sufficient evidence of the required
18 competencies.

19 Sec. 2. COMPETENCY-BASED INSTRUCTION TASK FORCE.

20 1. The superintendents of the school districts
21 that have been approved by the department of education
22 to implement competency-based instruction shall
23 appoint a task force to conduct a study regarding
24 competency-based instruction standards and options
25 and the integration of competency-based instruction
26 with the Iowa core curriculum, and to develop related
27 assessment models and professional development focused
28 on competency-based instruction.

29 2. At a minimum, the task force shall do all of the
30 following:

- 31 a. Redefine the Carnegie unit into competencies.
- 32 b. Construct personal learning plans and templates.
- 33 c. Develop student-centered accountability and
34 assessment models.
- 35 d. Empower learning through technology.
- 36 e. Develop supports and professional development
37 for educators to transition to a competency-based
38 system.

39 3. a. The task force shall be comprised of at
40 least sixteen members, nine of whom shall represent
41 education stakeholders and practitioners knowledgeable
42 about the Iowa core curriculum; one of whom shall be
43 the deputy director and administrator of the division
44 of learning and results of the department of education
45 or the deputy director's designee; one of whom shall
46 represent the area education agencies; one of whom
47 shall represent the Iowa state education association;

48 and four of whom shall represent the general assembly.
 49 b. The four members of the general assembly
 50 shall serve as ex officio, nonvoting members. One

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1 representative shall be appointed by the speaker of
 2 the house of representatives, one representative shall
 3 be appointed by the minority leader of the house of
 4 representatives, one senator shall be appointed by the
 5 majority leader of the senate after consultation with
 6 the president of the senate, and one senator shall be
 7 appointed by the minority leader of the senate.
 8 4. The person representing the area education
 9 agency shall convene the initial meeting. The task
 10 force shall elect one of its members as chairperson.
 11 After the initial meeting, the task force shall
 12 meet at the time and place specified by call of the
 13 chairperson. The department of education shall provide
 14 staffing services for the task force.

15 5. a. The task force shall submit a preliminary
 16 report that includes but is not limited to its
 17 findings and recommendations relating to subsection 2,
 18 paragraphs "b", "d", and "e", by January 15, 2013.

19 b. The task force shall submit its plan, findings,
 20 models, and recommendations in a final report to the
 21 state board of education, the governor, and the general
 22 assembly by November 15, 2013.

23 Sec. 3. EFFECTIVE UPON ENACTMENT. This division of
 24 this Act, being deemed of immediate importance, takes
 25 effect upon enactment.

DIVISION II

CORE CURRICULUM MATTERS

27 Sec. 4. Section 256.7, subsection 26, paragraph
 28 a, Code Supplement 2011, is amended by adding the
 29 following new subparagraph:

30 NEW SUBPARAGRAPH. (3) Notwithstanding any
 31 provision to the contrary, an accredited nonpublic
 32 school is not required to meet the core curriculum and
 33 core content standards requirements of this chapter
 34 that are in conflict with tenets and practices of
 35 the bona fide religious institution in charge of the
 36 school.

37 Sec. 5. Section 256.7, subsection 26, paragraph
 38 a, Code Supplement 2011, is amended by adding the
 39 following new subparagraph:

40 NEW SUBPARAGRAPH. (4) The provisions of section
 41 256.18 shall be considered by the state board in
 42 developing the core curriculum requirements.

43 Sec. 6. Section 256.9, Code Supplement 2011, is
 44 amended by adding the following new subsections:

45 NEW SUBSECTION. 62. Appoint members to the core
 46

47 curriculum framework and core content standards
48 advisory council established in section 256.41. The
49 director may establish objectives for the council in
50 accordance with section 256.41.

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1 NEW SUBSECTION. 63. a. Create and disseminate
2 to school districts, charter schools, and accredited
3 nonpublic schools a model curriculum that is directly
4 tied to the goals, outcomes, and assessment strategies
5 identified in the core content standards. The model
6 curriculum shall identify a developmentally appropriate
7 scope and sequence of instruction applicable to
8 the core content standards, instructional material
9 resources, and teaching and assessment strategies.
10 The model curriculum shall provide guidance to school
11 districts and schools and expand on the core content
12 standards. The model curriculum shall be modified as
13 necessary to incorporate the core curriculum framework
14 developed pursuant to paragraph "b".

15 b. Develop by July 1, 2015, a core curriculum
16 framework aligned to the core curriculum standards
17 established pursuant to section 256.7, subsection 26.

18 Sec. 7. NEW SECTION. 256.27 Remediation council.

19 1. A remediation council is established consisting
20 of eight members appointed as follows:

21 a. One member representing the community colleges
22 appointed by the president of the Iowa association of
23 community college presidents.

24 b. One member representing the accredited private
25 institutions appointed by the president of the Iowa
26 association of independent colleges and universities.

27 c. One member representing the institutions of
28 higher education governed by the state board of regents
29 appointed by the president of the state board of
30 regents.

31 d. One member representing the practitioner
32 preparation programs at institutions of higher
33 education governed by the state board of regents
34 appointed by the president of the state board of
35 regents.

36 e. One member representing school districts
37 appointed by the president of the Iowa association of
38 school boards.

39 f. One member representing accredited nonpublic
40 schools appointed by the director of the department of
41 education.

42 g. One member representing the department of
43 education appointed by the director of the department
44 of education.

45 h. One member representing the area education

46 agencies appointed by the area education agency
47 administrators.
48 2. Council members shall serve three-year terms
49 beginning and ending as provided in section 69.19,
50 and appointments shall comply with sections 69.16 and

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1 69.16A. Vacancies on the council shall be filled in
2 the same manner as the original appointment. A person
3 appointed to fill a vacancy shall serve only for the
4 unexpired portion of the term.
5 3. The member representing the department of
6 education shall convene the initial meeting. The
7 council shall elect one of its members as chairperson.
8 The council shall meet at least quarterly, and at any
9 time on the call of the chairperson.
10 4. The department shall provide staffing services
11 for the council.
12 5. a. Prior to the initial meeting of the council,
13 the member representing the community colleges shall
14 convene a meeting of members appointed pursuant to
15 subsection 1, paragraphs "a" through "d" to define
16 "remediation" for purposes of the council and outline
17 the skills and expectations for postsecondary level
18 attendance. The definitions and outline shall be
19 distributed and discussed at the initial council
20 meeting.
21 b. The council shall identify measures to help
22 students transition from the secondary to the
23 postsecondary level, limit the cost of remediation,
24 define and standardize the skill sets that determine
25 the need for remediation, and create effective
26 partnerships between secondary schools and higher
27 education institutions. The council shall review
28 activities and services designed to align school
29 district curricula with core postsecondary level
30 requirements and decrease the need for remedial
31 coursework at the secondary school grade level through
32 grade sixteen. The council shall develop strategies to
33 strengthen grade nine through grade sixteen standards,
34 competencies, assessment systems, and the professional
35 development of teachers. For the fiscal year beginning
36 July 1, 2012, the council shall focus on mathematics
37 and English remediation measures.
38 6. The council shall submit its findings and
39 recommendations in a report to the state board
40 of education and the general assembly by November
41 15 annually. The state board and department of
42 education shall use the findings and recommendations to
43 strengthen the common core curriculum and core content
44 standards.

45 Sec. 8. Section 256.18, subsection 1, Code 2011, is
46 amended by adding the following new paragraph:
47 NEW PARAGRAPH. Ob. Implementation of the core
48 curriculum requirements established pursuant to
49 section 256.7, subsection 26, on-going professional
50 development, and assessment in the areas of student

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1 performance and educator performance shall include high
2 expectations, fair and reliable measures of student
3 achievement and teacher performance, and building
4 capacities that address research-based and data-driven
5 intentional cultures of safety and engagement,
6 competencies for positive behaviors, competencies for
7 deeper learning, and college, career, and citizenship
8 readiness.

9 Sec. 9. NEW SECTION. 256.41 Core curriculum
10 framework and core content standards advisory council.

11 1. A core curriculum framework and core content
12 standards advisory council is established under the
13 department.

14 2. The advisory council shall consist of no less
15 than seven members appointed by the director in
16 accordance with sections 69.16, 69.16A, and 69.16C.
17 Members shall serve at the pleasure of the director.

18 3. The department is the primary agency responsible
19 for providing administrative personnel and services for
20 the advisory council.

21 4. Members shall elect a chair annually and other
22 officers as the members determine. Members shall
23 establish rules of procedure for the advisory council.

24 5. The advisory council shall meet at least
25 quarterly and at the call of the chair.

26 6. Members of the advisory council shall serve
27 without compensation but may be reimbursed for actual
28 expenses incurred in the performance of their duties.

29 7. The advisory council shall review the core
30 curriculum, the core content standards, and the
31 model curriculum adopted pursuant to section 256.7,
32 subsections 26, 28, and 63 upon request of the director
33 and make recommendations to the director regarding a
34 core curriculum framework and any necessary changes
35 to the core curriculum content standards and model
36 curriculum. In making recommendations, the advisory
37 council shall seek to further the goals of the core
38 content standards and any objectives established by the
39 director.

40 Sec. 10. DEPARTMENT OF EDUCATION — CORE CURRICULUM
41 STUDY. The department of education shall conduct a
42 study of the core curriculum and the core content
43 standards and the skills necessary to prepare students

44 for the future. The department shall develop a plan
45 for meeting the global education needs of students in
46 kindergarten through grade twelve that, at a minimum,
47 determines how to incorporate content areas that
48 include but are not limited to fine arts, applied arts,
49 humanities, physical education, and world languages
50 into the core curriculum. The department shall submit

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1 its findings and recommendations in a report to the
2 general assembly by November 15, 2012.

3 DIVISION III

4 TEACHER AND ADMINISTRATOR PERFORMANCE

5 Sec. 11. Section 256.7, Code Supplement 2011, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. a. By January 1, 2013, adopt
8 rules establishing Iowa teaching standards that are
9 aligned with best practices and nationally accepted
10 standards.

11 b. By July 1, 2013, adopt by rule statewide
12 teacher evaluation system and statewide administrator
13 evaluation system pilot programs which shall be
14 implemented during the 2013–2014 school year. This
15 paragraph is repealed July 1, 2015.

16 Sec. 12. Section 256.9, Code Supplement 2011, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 64. a. Develop a statewide
19 teacher evaluation system and a statewide administrator
20 evaluation system that school districts, charter
21 schools, and accredited nonpublic schools shall use
22 to standardize the instruments and processes used
23 to evaluate teachers and administrators throughout
24 the state. However, a charter school or accredited
25 nonpublic school may develop and submit to the
26 department for approval an alternative teacher
27 evaluation system that meets local and state
28 educational goals. Upon receiving approval from the
29 department, the charter school or accredited nonpublic
30 school may adopt and implement the approved alternative
31 teacher evaluation system in lieu of the statewide
32 teacher evaluation system.

33 b. The components of the statewide teacher
34 evaluation system shall include but not be limited to
35 the following:

36 (1) Direct observation of classroom teaching
37 behaviors.

38 (2) Strong consideration of student outcome
39 measures, when available for tested subjects and
40 grades, to validate direct observation of classroom
41 teaching behaviors.

42 (3) Integration of the Iowa teaching standards.

43 (4) System applicability to teachers in all content
44 areas taught in a school.
45 Sec. 13. Section 284.3, Code 2011, is amended by
46 adding the following new subsection:
47 NEW SUBSECTION. 4. This section is repealed July
48 1, 2013.
49 Sec. 14. Section 284.4, subsection 1, paragraph e,
50 Code 2011, is amended to read as follows:

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1 e. (1) Adopt a teacher evaluation plan that, at
2 minimum, requires ~~a~~ an annual performance review of
3 teachers in the district ~~at least once every three~~
4 ~~years~~ based upon the Iowa teaching standards and
5 individual professional development plans in accordance
6 with section 284.8, and requires administrators to
7 complete evaluator training in accordance with section
8 284.10.

9 ~~(2) Adopt, by July 1, 2013, the statewide teacher~~
10 ~~evaluation system developed pursuant to section 256.9,~~
11 ~~subsection 64. However, the school district may~~
12 ~~develop and submit to the department for approval an~~
13 ~~alternative teacher evaluation system that meets local~~
14 ~~and state educational goals. In lieu of the statewide~~
15 ~~teacher evaluation system, the school district may~~
16 ~~adopt and implement the alternative teacher evaluation~~
17 ~~system upon receiving approval from the department.~~

18 Sec. 15. Section 284.8, subsections 1 and 2, Code
19 2011, are amended to read as follows:

20 1. A school district shall provide for an annual
21 ~~review~~ ~~of each~~ teacher's performance ~~at least~~
22 ~~once every three years~~ for purposes of assisting
23 teachers in making continuous improvement, documenting
24 continued competence in the Iowa teaching standards,
25 identifying teachers in need of improvement, or
26 to determine whether the teacher's practice meets
27 school district expectations for career advancement
28 in accordance with section 284.7. The review shall
29 be conducted by at least one evaluator certified in
30 accordance with section 284.10, and shall include, at
31 minimum, classroom observation of the teacher, the
32 teacher's progress, and implementation of the teacher's
33 individual professional development plan, subject
34 to the level of resources provided to implement the
35 plan; and shall include supporting documentation from
36 parents, students, and other teachers.

37 2. If, as a result of a review conducted pursuant
38 to subsection 1, a supervisor or an evaluator
39 determines, ~~at any time, as a result of a teacher's~~
40 ~~performance that~~ the a teacher is not meeting district
41 expectations under the Iowa teaching standards

42 ~~specified in section 284.3, subsection 1, paragraphs~~
 43 ~~“a” through “h” established by the state board by rule,~~
 44 the criteria for the Iowa teaching standards developed
 45 by the department in accordance with section 256.9,
 46 subsection 46, and any other standards or criteria
 47 established in the collective bargaining agreement,
 48 the evaluator shall, at the direction of the teacher’s
 49 supervisor, recommend to the district that the teacher
 50 participate in an intensive assistance program. The

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1 intensive assistance program and its implementation
 2 are subject to negotiation and grievance procedures
 3 established pursuant to chapter 20. All school
 4 districts shall be prepared to offer an intensive
 5 assistance program.
 6 Sec. 16. Section 284A.7, Code 2011, is amended to
 7 read as follows:
 8 284A.7 Evaluation requirements for administrators.
 9 1. A school district shall conduct an annual
 10 evaluation of an administrator who holds a professional
 11 administrator license issued under chapter 272~~at~~
 12 ~~least once every three years~~ for purposes of assisting
 13 the administrator in making continuous improvement,
 14 documenting continued competence in the Iowa standards
 15 for school administrators adopted pursuant to section
 16 256.7, subsection 27, or to determine whether the
 17 administrator’s practice meets school district
 18 expectations. The review shall include, at a minimum,
 19 an assessment of the administrator’s competence in
 20 meeting the Iowa standards for school administrators
 21 and the goals of the administrator’s individual
 22 professional development plan, including supporting
 23 documentation or artifacts aligned to the Iowa
 24 standards for school administrators and the individual
 25 administrator’s professional development plan.
 26 2. Adopt the statewide administrator evaluation
 27 system developed pursuant to section 256.9, subsection
 28 64. However, the school district may develop and
 29 submit to the department for approval an alternative
 30 administrator evaluation system that meets local and
 31 state educational goals. In lieu of the statewide
 32 administrator evaluation system, the school district
 33 may adopt and implement the alternative administrator
 34 evaluation system upon receiving approval from the
 35 department.

36 Sec. 17. STATEWIDE EDUCATOR EVALUATION SYSTEM
 37 TASK FORCE. The director of the department of
 38 education shall appoint, and provide staffing services
 39 for, a task force to conduct a study regarding a
 40 statewide teacher evaluation system and a statewide

41 administrator evaluation system. The study of a
42 statewide teacher evaluation system shall include a
43 review of student outcome measures described in section
44 256.9, subsection 64, paragraph “b”, subparagraph
45 (2). To the extent possible, appointments shall be
46 made to provide geographical area representation and
47 to comply with sections 69.16, 69.16A, and 69.16C.
48 The task force, at a minimum, shall include in its
49 recommendations and proposal a tiered evaluation
50 system that differentiates ineffective, minimally

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1 effective, effective, and highly effective performance
2 by teachers and administrators. The task force shall
3 submit its findings, recommendations, and a proposal
4 for each system to the state board of education and
5 the general assembly by October 15, 2012. By November
6 26, 2012, the department of education shall submit a
7 departmental bill drafting request to the legislative
8 services agency in bill draft format making specific
9 and detailed proposed amendments to the Code of
10 Iowa necessary to advance the proposed task force
11 recommendations as approved by the state board of
12 education.

13 Sec. 18. TEACHER PERFORMANCE, COMPENSATION, AND
14 CAREER DEVELOPMENT TASK FORCE.

15 1. The director of the department of education
16 shall appoint, and provide staffing services for,
17 a teacher performance, compensation, and career
18 development task force to develop recommendations
19 for a new teacher compensation system to replace the
20 current teacher compensation system which addresses, at
21 a minimum, the following:

- 22 a. The duties and responsibilities of apprentice,
23 career, mentor, and master teachers.
- 24 b. Utilizing retired teachers as mentors.
- 25 c. Strategic and meaningful uses of finite
26 resources and the realignment of resources currently
27 available.
- 28 d. Mechanisms to substantially increase the average
29 salary of teachers who assume leadership roles within
30 the profession.
- 31 e. Standardizing implementation of task force
32 recommendations in all of Iowa’s school districts and
33 public charter schools.

34 2. The director of the department of education
35 shall appoint and provide staffing services for a task
36 force whose members shall represent teachers, parents,
37 school administrators, and business and community
38 leaders. Insofar as practicable, appointments shall be
39 made to provide geographical area representation and to

40 comply with sections 69.16, 69.16A, and 69.16C.

41 3. The state board of education shall consider the
42 findings and recommendations of the task force when
43 adopting rules establishing Iowa teaching standards
44 pursuant to this Act.

45 4. The task force shall submit its findings and
46 recommendations in a report to the state board of
47 education, the governor, and the general assembly by
48 October 15, 2012.

49 Sec. 19. REPEAL. Section 284.14A, Code 2011, is
50 repealed.

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1 Sec. 20. EFFECTIVE UPON ENACTMENT. The sections of
2 this division of this Act providing for the appointment
3 of the statewide educator evaluation system task
4 force and the appointment of the teacher performance,
5 compensation, and career development task force,
6 being deemed of immediate importance, take effect upon
7 enactment.

8 Sec. 21. FUTURE CONTINGENT REPEAL AND USE OF
9 EVALUATION SYSTEMS.

10 1. Section 256.7, subsection 31, and section 256.9,
11 subsection 64, as enacted in this division of this Act,
12 are repealed effective July 1, 2013, if the general
13 assembly fails to enact legislation during the 2013
14 Regular Session of the Eighty-fifth General Assembly
15 advancing the proposed statewide evaluator evaluation
16 system task force recommendations, as approved by the
17 state board of education, relating to the establishment
18 of a statewide teacher evaluation system and a
19 statewide administrator evaluation system.

20 2. Notwithstanding the sections of this division
21 of this Act amending sections 284.3, 284.4, 284.8,
22 and 284A.7, if the general assembly fails to enact
23 legislation during the 2013 Regular Session of the
24 Eighty-fifth General Assembly advancing the proposed
25 statewide evaluator evaluation system task force
26 recommendations, as approved by the state board of
27 education, relating to the establishment of a statewide
28 teacher evaluation system and a statewide administrator
29 evaluation system, effective July 1, 2013, all school
30 districts shall continue to use the teacher and
31 administrator evaluation systems in place on June 30,
32 2013.

33 DIVISION IV
34 ONLINE LEARNING

35 Sec. 22. Section 256.7, subsection 8, Code
36 Supplement 2011, is amended by striking the subsection
37 and inserting in lieu thereof the following:

38 8. Adopt rules providing for the establishment of

39 an online learning program model.
40 a. The rules shall limit the statewide enrollment
41 of pupils in educational instruction and course content
42 that is delivered primarily over the internet to not
43 more than eighteen one-hundredths of one percent of the
44 statewide enrollment of all pupils, and shall limit
45 the number of pupils participating in open enrollment
46 for purposes of receiving educational instruction
47 and course content that is delivered primarily over
48 the internet to no more than one percent of a sending
49 district's enrollment.
50 b. For purposes of this section and sections

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1 256.9 and 256.27, "online learning" means educational
2 instruction and content which is delivered primarily
3 over the internet. "Online learning" does not include
4 printed-based correspondence education, broadcast
5 television or radio, videocassettes, or stand-alone
6 educational software programs that do not have a
7 significant internet-based instructional component.
8 Sec. 23. Section 256.9, Code Supplement 2011, is
9 amended by adding the following new subsection:
10 **NEW SUBSECTION.** 65. a. Develop and establish an
11 online learning program model in accordance with rules
12 adopted pursuant to section 256.7, subsection 8.
13 b. Grant a waiver to school districts, charter
14 schools, and accredited nonpublic schools that
15 implement an online learning program aligned with the
16 program model developed and established pursuant to
17 this subsection. A school district or school seeking a
18 waiver pursuant to this paragraph shall submit a plan
19 for an online learning program to the director for
20 approval. A school district or school whose online
21 learning program plan is approved by the director may
22 be granted a waiver only for purposes of implementing
23 the approved online learning program. The standards
24 that may be waived pursuant to this paragraph are as
25 follows:
26 (1) The minimum number of instructional days
27 required pursuant to section 279.10, subsection
28 1, and the minimum number of instructional hours
29 required pursuant to section 256.7, subsection 19.
30 Notwithstanding any provision to the contrary, the
31 waiver may exempt school districts and schools from
32 any statutory requirement that students be physically
33 present in a school building and under the guidance and
34 instruction of the instructional professional staff
35 employed by the school district or the school except as
36 necessary under the rules adopted pursuant to section
37 256.7, subsection 8.

38 (2) Any statutory requirement that a subject being
 39 studied by a student enrolled in an approved online
 40 learning program be a subject that is offered and
 41 taught by the professional staff of the school district
 42 or school.

43 c. Require that the school district or school
 44 granted a waiver pursuant to paragraph "b" implement
 45 and incorporate into its comprehensive school
 46 improvement plan required under section 256.7,
 47 subsection 21, accountability measures designed to
 48 demonstrate that academic credit is awarded based
 49 upon successful completion of content or achievement
 50 of competencies by students enrolled in the approved

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1 online learning program.

2 d. Establish criteria for school districts or
 3 schools to use when choosing providers of online
 4 learning to meet the online learning program
 5 requirements specified in rules adopted pursuant to
 6 section 256.7, subsection 8.

7 Sec. 24. NEW SECTION. 256.27 Online learning
 8 program model.

9 1. Online learning program model established. The
 10 director, pursuant to section 256.9, subsection 65,
 11 shall establish an online learning program model that
 12 provides for the following:

13 a. Online access to high-quality content,
 14 instructional materials, and blended learning.

15 b. Coursework customized to the needs of the
 16 student using online content.

17 c. A means for a student to demonstrate competency
 18 in completed online coursework.

19 d. High-quality online instruction taught by
 20 appropriately licensed teachers.

21 e. Online content and instruction evaluated on the
 22 basis of student learning outcomes.

23 f. Use of funds available for online learning for
 24 program development, implementation, and innovation.

25 g. Infrastructure that supports online learning.

26 h. Online administration of online course
 27 assessments.

28 2. Online learning program waiver application. A
 29 school district, charter school, or accredited
 30 nonpublic school may apply to the department for a
 31 waiver to implement an online learning program pursuant
 32 to section 256.9, subsection 65.

33 3. Private providers. At the discretion of
 34 the school board or authorities in charge of an
 35 accredited nonpublic school, after consideration
 36 of circumstances created by necessity, convenience,

37 and cost-effectiveness, courses developed by private
38 providers may be utilized by the school district or
39 school in implementing a high-quality online learning
40 program. Courses obtained from private providers shall
41 be taught by teachers licensed under this chapter.
42 4. Grading. Grades in online courses shall be
43 based, at a minimum, on whether a student mastered the
44 subject, demonstrated competency, and met the standards
45 established by the school district. Grades shall be
46 conferred by appropriately licensed teachers only.
47 5. Accreditation criteria. All online courses and
48 programs shall meet existing accreditation standards.
49 Sec. 25. NEW SECTION. 256.28 Iowa learning online
50 initiative.

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1 1. An Iowa learning online initiative is
2 established within the department of education to
3 partner with school districts and accredited nonpublic
4 schools to provide distance education to high school
5 students statewide. The department shall utilize
6 a variety of content repositories, including those
7 maintained by the area education agencies and the
8 public broadcasting division, in administering the
9 initiative.
10 2. Coursework offered under the initiative shall
11 meet the requirements of section 256.7, subsections
12 7, 8, and 9, and shall be taught by an appropriately
13 licensed teacher who has completed an online-learning
14 -for-Iowa-educators-professional-development project
15 offered by area education agencies, a teacher
16 preservice program, or comparable coursework.
17 3. Under the initiative, students must be enrolled
18 in a participating school district or school, which
19 is responsible for recording grades received for
20 initiative coursework in a student's permanent record,
21 awarding high school credit for initiative coursework,
22 and issuing high school diplomas to students enrolled
23 in the district or school who participate and complete
24 coursework under the initiative. Each participating
25 school district or school shall identify a site
26 coordinator to serve as a student advocate and as a
27 liaison between the initiative staff and teachers and
28 the school district or school.
29 4. Coursework offered under the initiative shall
30 be rigorous and high quality, and the department
31 shall annually evaluate the quality of the courses,
32 ensure that coursework is aligned with the state's
33 core curriculum and core content requirements and
34 standards, as well as national standards of quality for
35 online courses issued by an internationally recognized

36 association for kindergarten through grade twelve
 37 online learning.

38 5. The department may waive any requirement that a
 39 subject being studied under the initiative by a student
 40 enrolled in a school district or school participating
 41 in the initiative be a subject that is offered and
 42 taught by the professional staff of the participating
 43 school district or school.

44 Sec. 26. Section 256.33, subsection 1, Code 2011,
 45 is amended to read as follows:

46 1. The department shall consort with school
 47 districts, area education agencies, community colleges,
 48 and colleges and universities ~~to provide assistance~~
 49 ~~to them~~ in the use of educational technology for
 50 instruction purposes. The department shall consult

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1 with the advisory committee on telecommunications,
 2 established in section 256.7, subsection 7, and other
 3 users of educational technology on the development
 4 and operation of programs under this section. section
 5 256.9, subsection 65, and section 256.27.

6 DIVISION V

7 CLASS SHARING AGREEMENTS

8 Sec. 27. Section 257.11, subsection 3, Code 2011,
 9 is amended by adding the following new paragraph:
 10 NEW PARAGRAPH. c. A school district that
 11 collaborates with a community college to provide a
 12 college-level class that uses an activities-based,
 13 project-based, and problem-based learning approach and
 14 that is offered through a partnership with a nationally
 15 recognized provider of rigorous and innovative science,
 16 technology, engineering, and mathematics curriculum
 17 for schools, which provider is exempt from taxation
 18 under section 501(c)(3) of the Internal Revenue Code,
 19 is eligible to receive additional weighting under a
 20 supplementary weighting plan adopted pursuant to this
 21 subsection.

22 Sec. 28. Section 257.11, subsection 7, Code 2011,
 23 is amended to read as follows:

24 7. Shared classes ~~delivered over the Iowa~~
 25 ~~communications network.~~

26 a. A school district that provides a virtual class
 27 to a pupil in another school district and the school
 28 district receiving that virtual class for a pupil shall
 29 each receive a supplemental weighting of one-twentieth
 30 of the percentage of the pupil's school day during
 31 which the pupil attends the virtual class.

32 b. Fifty percent of the funding the school district
 33 providing the virtual class receives as a result of
 34 this subsection shall be reserved as additional pay for

35 the virtual classroom instructor. If an instructor's
 36 contract provides additional pay for teaching a virtual
 37 class, the instructor shall receive the greater amount
 38 of either the amount provided for in this paragraph or
 39 the amount provided for in the instructor's contract.

40 c. A school district receiving a virtual class for
 41 a pupil from a community college, which class meets
 42 the sharing agreement requirements in subsection 3,
 43 shall receive a supplemental funding weighting of
 44 one-twentieth of the percentage of the pupil's school
 45 day during which the pupil attends the virtual class.

46 d. For the purposes of this subsection, "virtual
 47 class" means ~~either any~~ of the following:

48 (1) A class provided by a school district to
 49 a pupil in another school district via the Iowa
 50 communications network's video services.

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1 (2) A class provided by a community college to a
 2 pupil in a school district via the Iowa communications
 3 network's video services.

4 (3) An advanced placement course provided to a
 5 pupil in a school district under an agreement with
 6 the Iowa online advanced placement academy science,
 7 technology, engineering, and mathematics initiative
 8 under section 263.8A, subsection 2.

9 (4) A course provided by the Iowa learning online
 10 initiative of the department of education to a pupil
 11 in a school district under an agreement with the
 12 department.

13 Sec. 29. Section 261E.8, Code Supplement 2011, is
 14 amended by adding the following new subsection:
 15 NEW SUBSECTION. 6A. A student enrolled in a
 16 career and technical course made available pursuant
 17 to subsection 1 is exempt from the proficiency
 18 requirements of section 261E.3, subsection 1,
 19 paragraph "e". However, a community college may
 20 require a student who applies for enrollment under a
 21 district-to-community college sharing or concurrent
 22 enrollment program to complete an initial assessment
 23 administered by the community college receiving the
 24 application to determine the applicant's readiness to
 25 enroll in career and technical coursework, and the
 26 community college may deny the enrollment.

DIVISION VI

SCHOOL INSTRUCTIONAL TIME

29 Sec. 30. SCHOOL INSTRUCTIONAL TIME TASK FORCE.

30 1. The director of the department of education
 31 shall appoint a school instructional time task force
 32 comprised of at least seven members to conduct a study
 33 regarding the minimum requirements of the school day

34 and the school year. The study shall include but not
 35 be limited to an examination of the following:
 36 a. Whether the minimum length of an instructional
 37 day should be extended and, if so, whether the
 38 instructional day should be extended for all students
 39 or for specific groups of students.
 40 b. Whether the minimum number of instructional days
 41 or hours in a school year should be increased and, if
 42 so, whether the minimum number of days or hours in a
 43 school year should be increased for all students or for
 44 specific groups of students.
 45 c. Whether the minimum number of instructional days
 46 or hours should be rearranged to result in a shorter
 47 summer break, with other days or weeks off throughout
 48 the school year.
 49 d. Whether the minimum school year should be
 50 defined by a number of days or by a number of

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1 instructional hours.
 2 e. Whether there should be a uniform, statewide
 3 start date for the school year that can only be
 4 waived for the purpose of implementing an innovative
 5 educational program.
 6 f. Whether resources necessary to extend the
 7 minimum length of an instructional day or the minimum
 8 length of a school year are justified when compared to
 9 competing education priorities.
 10 2. The appointment of members to the task force
 11 shall be made in a manner which provides geographical
 12 area representation and complies with sections 69.16,
 13 69.16A, and 69.16C.
 14 3. The task force shall submit its findings and
 15 recommendations in a report to the state board of
 16 education, the governor, and the general assembly by
 17 October 15, 2012.

18 DIVISION VII 19 ASSESSMENTS

20 Sec. 31. Section 256.7, subsection 21, paragraph c,
 21 Code Supplement 2011, is amended to read as follows:
 22 c. ~~A requirement that all school districts and~~
 23 ~~accredited nonpublic schools annually report to the~~
 24 ~~department and the local community the district wide~~
 25 ~~progress made in attaining student achievement goals~~
 26 ~~on the academic and other core indicators and the~~
 27 ~~district wide progress made in attaining locally~~
 28 ~~established student learning goals. The Use by school~~
 29 ~~districts and accredited nonpublic schools shall~~
 30 ~~demonstrate the use of multiple statewide assessment~~
 31 ~~measures identified and approved by the state board in~~
 32 determining student achievement levels. The school

33 districts and accredited nonpublic schools shall also
34 report the number of students who graduate; the number
35 of students who drop out of school; the number of
36 students who are tested and the percentage of students
37 who are so tested annually; and the percentage of
38 students who graduated during the prior school year
39 and who completed a core curriculum. The board shall
40 develop and adopt uniform definitions consistent with
41 the federal No Child Left Behind Act of 2001, Pub.
42 L. No. 107-110 and any federal regulations adopted
43 pursuant to the federal Act. The school districts
44 and accredited nonpublic schools may report on other
45 locally determined factors influencing student
46 achievement. The school districts and accredited
47 nonpublic schools shall also report to the local
48 community their results by individual attendance
49 center.

50 Sec. 32. Section 256.7, subsection 21, Code

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1 Supplement 2011, is amended by adding the following new
2 paragraph:
3 NEW PARAGRAPH. d. By July 1, 2014, establishment
4 by the department of an accountability system designed
5 to hold school districts and accredited nonpublic
6 schools accountable for student achievement. The
7 accountability system shall, at a minimum, define
8 and measure student achievement, student growth,
9 student achievement gaps, college and career readiness,
10 student well-being, parent satisfaction, school staff
11 working conditions, school fiscal responsibility, and
12 graduation and attendance rates. The director may at
13 the director's discretion, or shall as directed by
14 the state board, convene a working group to develop
15 recommendations for any of the following:
16 (1) The accountability system established pursuant
17 to this paragraph.
18 (2) Redesigning the accreditation procedures
19 implemented under section 256.11.
20 (3) A compliance monitoring process aligned with
21 the accountability system.
22 (4) Targeting support for school districts
23 identified as needing assistance under the
24 accountability system.
25 (5) Identifying, studying, and commending
26 high-performing districts.
27 (6) Developing strategies to take over the
28 operation of school districts determined pursuant to
29 section 256.11, or under the accountability system,
30 as persistently failing to meet educational system or
31 student achievement standards.

32 Sec. 33. Section 256.7, subsection 26, paragraph
 33 a, subparagraph (1), Code Supplement 2011, is amended
 34 to read as follows:

35 (1) The rules establishing high school graduation
 36 requirements shall authorize a school district
 37 or accredited nonpublic school to consider that
 38 any student who satisfactorily completes a high
 39 school-level unit of English or language arts,
 40 mathematics, science, or social studies has
 41 satisfactorily completed a unit of the high school
 42 graduation requirements for that area as specified
 43 in this lettered paragraph, and shall authorize the
 44 school district or accredited nonpublic school to
 45 issue high school credit for the unit to the student.
 46 The rules shall also require administration of the
 47 college entrance and career readiness examinations in
 48 accordance with section 280.18.

49 Sec. 34. Section 256.7, subsection 26, Code
 50 Supplement 2011, is amended by adding the following new

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1 paragraph:
 2 NEW PARAGRAPH. d. Adopt by rule by July 1, 2014,
 3 a policy for the incorporation by school districts of
 4 end-of-course assessments into the district's high
 5 school graduation requirements.

6 Sec. 35. Section 256.7, subsection 28, Code
 7 Supplement 2011, is amended to read as follows:

8 28. Adopt a set of core content standards
 9 applicable to all students in kindergarten through
 10 grade twelve in every school district and accredited
 11 nonpublic school. ~~For purposes of this subsection,~~
 12 ~~"core content standards" includes reading, mathematics,~~
 13 ~~and science. The core content standards shall be~~
 14 ~~identical to the core content standards included~~
 15 include those established in Iowa's approved 2006
 16 standards and assessment system under Tit. I of the
 17 federal Elementary and Secondary Education Act of
 18 1965, 20 U.S.C. § 6301 et seq., as amended by the
 19 federal No Child Left Behind Act of 2001, Pub. L. No.
 20 107-110. ~~School districts and accredited nonpublic~~
 21 ~~schools shall include, at a minimum, the core content~~
 22 ~~standards adopted pursuant to this subsection in any~~
 23 ~~set of locally developed content standards. School~~
 24 ~~districts and accredited nonpublic schools are~~
 25 ~~strongly encouraged to set higher expectations in local~~
 26 ~~standards. As changes in federal law or regulation~~
 27 occur, the state board is authorized to amend the core
 28 content standards as appropriate.

29 Sec. 36. Section 256.9, Code Supplement 2011, is
 30 amended by adding the following new subsection:

31 NEW SUBSECTION. 68. Develop, by July 1, 2014, high
32 school end-of-course assessments for subject areas
33 included under the core content standards.

34 Sec. 37. NEW SECTION. 256.24 Value-added
35 assessment system.

36 1. For purposes of this section, unless the context
37 otherwise requires, "value-added assessment" means
38 a method to measure gains in student achievement by
39 conducting a statistical analysis of achievement data
40 that reveals academic growth over time for students and
41 groups of students, such as those in a grade level or
42 in a school.

43 2. A value-added assessment system shall be
44 established and implemented by the department not later
45 than January 31, 2013, to provide for multivariate
46 longitudinal analysis of annual student test scores
47 to determine the influence of a school district's
48 educational program on student academic growth and
49 to guide school district improvement efforts. The
50 department shall select a value-added assessment system

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1 provider through a request for proposals process. The
2 system provider selected by the department shall offer
3 a value-added assessment system to calculate annually
4 the academic growth of students, as determined by the
5 director, and tested in accordance with this section.

6 The system provider shall, at a minimum, meet all of
7 the following criteria:

8 a. Use a mixed-model statistical analysis that has
9 the ability to use all achievement test data for each
10 student, including the data for students with missing
11 test scores, that does not adjust downward expectations
12 for student progress based on race, poverty, or
13 gender, and that will provide the best linear unbiased
14 predictions of school or other educational entity
15 effects to minimize the impact of random errors.

16 b. Have the ability to work with test data from
17 a variety of sources, including data that are not
18 vertically scaled, and to provide support for school
19 districts utilizing the system.

20 c. Have the capacity to receive and report results
21 electronically and provide support for districts
22 utilizing the system.

23 3. The system provider shall create a mechanism
24 to collect and evaluate data in a manner that
25 reliably aligns the performance of the teacher
26 with the achievement levels of and progress of the
27 teacher's students. School districts shall report
28 teacher-to-student alignment data to the system
29 provider as directed by the department.

30 4. The system provider shall provide analysis to
31 school districts and to the department of education.
32 The analysis shall include but not be limited to
33 attendance-center-level test results for an assessment
34 aligned with the core content standards in the areas of
35 reading and mathematics and other core academic areas
36 when possible. The analysis shall also include but
37 not be limited to the number of students tested, the
38 number of test results used to compute the averages,
39 the average standard score, and the corresponding
40 grade equivalent-score, as well as measures of student
41 progress. The system provider shall create a chart for
42 each school district.
43 5. A school district shall have complete access to
44 and full utilization of its own value-added assessment
45 reports and charts generated by the system provider at
46 the student level for the purpose of measuring student
47 achievement at different educational entity levels.
48 6. Where student outcomes measures are available,
49 for tested subjects and grades, student outcomes
50 measures shall be considered by the district to

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1 validate a teacher's observational evaluation. Student
2 outcomes measures which are a component of a teacher's
3 evaluation are not public records for the purposes of
4 chapter 22.
5 7. Information about student academic growth shall
6 be used by the school district, including school board
7 members, administration, and staff, for defining
8 student and district learning goals and professional
9 development related to student learning goals across
10 the school district. A school district shall submit
11 its academic growth measures in the annual report
12 submitted pursuant to section 256.7, subsection 21,
13 and may reference in the report state level norms for
14 purposes of demonstrating school district performance.
15 8. The department shall use student academic
16 growth data to determine school improvement and
17 technical assistance needs of school districts, and to
18 identify school districts achieving exceptional gains.
19 Beginning January 15, 2013, and by January 15 of each
20 succeeding year, the department shall submit an annual
21 progress report regarding the use of student academic
22 growth information in the school improvement processes
23 to the general assembly and shall publish the progress
24 report on its internet site.
25 9. A school district shall use the value-added
26 assessment system established by the department
27 pursuant to subsection 1 not later than the school year
28 beginning July 1, 2013.

29 Sec. 38. Section 279.60, Code 2011, is amended to
 30 read as follows:
 31 279.60 ~~Kindergarten assessment~~ Assessments — access
 32 to data — reports.

33 1. a. Each school district shall administer
 34 a kindergarten readiness assessment prescribed
 35 by the department of education to every resident
 36 prekindergarten or four-year-old child whose parent or
 37 guardian enrolls the child in the district.
 38 b. Each school district shall administer the
 39 dynamic indicators of basic early literacy skills
 40 kindergarten benchmark assessment or other kindergarten
 41 benchmark assessment adopted by the department of
 42 education in consultation with the early childhood Iowa
 43 state board to every kindergarten student enrolled
 44 in the district not later than the date specified in
 45 section 257.6, subsection 1. The school district
 46 shall also collect information from each parent,
 47 guardian, or legal custodian of a kindergarten student
 48 enrolled in the district, including but not limited
 49 to whether the student attended preschool, factors
 50 identified by the early childhood Iowa office pursuant

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1 to section 256I.5, and other demographic factors.
 2 Each school district shall report the results of the
 3 assessment and the preschool information collected to
 4 the department of education in the manner prescribed
 5 by the department not later than January 1 of that
 6 school year. The early childhood Iowa office in the
 7 department of management shall have access to the raw
 8 data. The department shall review the information
 9 submitted pursuant to this section and shall submit its
 10 findings and recommendations annually in a report to
 11 the governor, the general assembly, the early childhood
 12 Iowa state board, and the early childhood Iowa area
 13 boards.

14 2. a. Each school district shall administer the
 15 Iowa assessments, created by the state university of
 16 Iowa, to all students enrolled in grade ten in the
 17 school years beginning July 1, 2012, and July 1, 2013.

18 b. This subsection is repealed July 1, 2014.
 19 3. By July 1, 2014, each school district shall
 20 administer end-of-course assessments developed pursuant
 21 to section 256.9, subsection 68, as an integral
 22 component of each course of study under the core
 23 content standards.

24 Sec. 39. NEW SECTION. 280.18 Assessment
 25 requirements.

26 1. The board of directors of a school district and
 27 the authorities in charge of a nonpublic school shall

28 offer to each student enrolled in grade eleven a choice
29 of taking either a college entrance examination or an
30 assessment to assess reading for information, locating
31 information, and applied mathematics.

32 2. a. The cost of the examinations and assessments
33 administered pursuant to subsection 1 shall be paid by
34 the department.

35 b. The costs of a college entrance examination
36 taken by a student in addition to those specified
37 in subsection 1 shall be the responsibility of the
38 student.

39 3. If funds are available to the department for
40 such purpose, the department shall make a preparation
41 program for the college entrance examination available
42 to all students in grade eleven. The department may
43 contract for the necessary assessment services.

44 4. a. The school district or school shall counsel
45 a student whose scores on the college entrance
46 examination administered in grade eleven indicate
47 a high degree of readiness for college to enroll in
48 accelerated courses, with an emphasis on advanced
49 placement and other college-level classes.

50 b. The school district or school shall provide

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1 intervention strategies for accelerated learning in the
2 following circumstances:

3 (1) To a student whose scores on the career
4 readiness assessments indicate that additional
5 assistance is required in reading for information,
6 locating information, or applied mathematics.

7 (2) To a student whose scores on the college
8 entrance examination administered in grade eleven
9 indicate that additional assistance is required in
10 English, reading, mathematics, and science.

11 5. Accommodations provided by the college entrance
12 examination provider to a student with a disability
13 taking the college entrance examination under
14 subsection 1 shall be provided in the following manner:

15 a. In the manner allowed by the college entrance
16 examination provider, when results in test scores
17 are reportable to a postsecondary institution for
18 admissions and placement purposes, except as provided
19 in paragraph "b".

20 b. In a manner allowed by an individualized
21 education program developed for the student if the
22 student is a student requiring special education under
23 chapter 256B and the student's disability precludes
24 valid assessment of academic ability using the
25 accommodations provided under paragraph "a" when the
26 student's scores are not reportable to a postsecondary

27 institution for admissions and placement purposes.
 28 6. A student's scores on the examinations
 29 administered under subsection 1 shall be recorded by
 30 the school district or school in the student's official
 31 education record.

32 DIVISION VIII

33 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

34 AWARDS

35 Sec. 40. Section 256.44, subsection 1, paragraph a,
 36 Code 2011, is amended to read as follows:
 37 a. If a teacher registers for national board
 38 for professional teaching standards certification
 39 ~~by after~~ December 31, 2007, a one-time initial
 40 reimbursement award in the amount of up to one-half
 41 of the registration fee paid by the teacher for
 42 registration for certification by the national board
 43 for professional teaching standards. The teacher shall
 44 apply to the department ~~within one year of registration~~
 45 in a manner and according to procedures required
 46 by the department, submitting to the department any
 47 documentation the department requires. A teacher who
 48 receives an initial reimbursement award shall receive
 49 a one-time final registration award in the amount of
 50 the remaining national board registration fee paid by

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1 the teacher if the teacher notifies the department of
 2 the teacher's certification achievement and submits any
 3 documentation requested by the department.
 4 Sec. 41. Section 256.44, subsection 1, paragraph b,
 5 subparagraph (1), subparagraph division (b), Code 2011,
 6 is amended to read as follows:
 7 (b) If the teacher registers for national board for
 8 professional teaching standards certification ~~between~~
 9 ~~January 1, 1999, and December 31, 2007~~, and achieves
 10 certification within the timelines and policies
 11 established by the national board for professional
 12 teaching standards, an annual award in the amount
 13 of two thousand five hundred dollars upon achieving
 14 certification by the national board of professional
 15 teaching standards.

16 DIVISION IX

17 EDUCATOR EMPLOYMENT AND PROFESSIONAL DEVELOPMENT 18 MATTERS

19 Sec. 42. Section 256.7, Code Supplement 2011, is
 20 amended by adding the following new subsection:
 21 NEW SUBSECTION. 32. Adopt rules providing for the
 22 establishment of a statewide plan for professional
 23 development for practitioners employed in Iowa's school
 24 districts. The statewide plan shall be designed to
 25 make every reasonable effort to utilize best practices,

26 current technologies, and social media, and shall be
 27 implemented by the area education agencies pursuant to
 28 section 273.2.

29 Sec. 43. Section 256.9, Code Supplement 2011, is
 30 amended by adding the following new subsection:
 31 NEW SUBSECTION. 69. Approve, amend and approve,
 32 or reject each professional development plan submitted
 33 pursuant to section 273.2, in accordance with the
 34 rules adopted pursuant to section 256.7, subsection
 35 32, providing for the establishment of a statewide
 36 professional development plan for practitioners,
 37 the services of which a school district may request
 38 pursuant to section 273.2.

39 Sec. 44. Section 257.10, subsection 10, paragraph
 40 d, Code 2011, is amended to read as follows:

41 d. The use of the funds calculated under this
 42 subsection shall comply with the requirements of
 43 section 256.7, subsection 32, andchapter 284.

44 Sec. 45. Section 257.37A, subsection 2, paragraph
 45 d, Code 2011, is amended to read as follows:

46 d. The use of the funds calculated under this
 47 subsection shall comply with requirements of section
 48 256.7, subsection 32, andchapter 284.

49 Sec. 46. Section 273.2, Code Supplement 2011, is
 50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 10. The area education agency
 2 boards shall each annually submit to the department
 3 of education a plan for a professional development
 4 program, to be implemented in the following fiscal
 5 year, which combines the professional development
 6 priorities of the state board of education, in
 7 accordance with section 256.7, subsection 32, with
 8 the professional development needs of the schools
 9 and school districts in the area. The area education
 10 agency board shall provide professional development
 11 services under the approved program to local school
 12 districts in the area upon request.

13 Sec. 47. Section 284.6, subsection 1, unnumbered
 14 paragraph 1, Code Supplement 2011, is amended to read
 15 as follows:

16 The department shall ~~coordinate a~~ implement the
 17 statewide ~~network of plan for~~ professional development
 18 for ~~Iowa teachers~~ practitioners established pursuant to
 19 section 256.7, subsection 32. ~~A In addition, a school~~
 20 district or professional development provider that
 21 offers ~~a career and~~ professional development ~~program~~
 22 programs in accordance with section 256.9, ~~subsection~~
 23 subsections 46; and 69 shall demonstrate that the
 24 ~~program contains~~ programs contain the following:

25 Sec. 48. Section 284.6, Code Supplement 2011, is
26 amended by adding the following new subsection:
27 NEW SUBSECTION. 5A. The director may waive
28 the requirements relating to the development and
29 review of an individual teacher professional
30 development plan for a school district that utilizes
31 a peer review teacher evaluation system in which
32 consulting teachers, in conjunction with school
33 administrators, make formal evaluations of the school
34 district's teachers, including but not limited to each
35 teacher's professional growth and employment status.
36 Notwithstanding section 284.8, subsection 1, if the
37 school district is granted a waiver pursuant to this
38 subsection, the review conducted pursuant to section
39 284.8, subsection 1, shall include a teacher's review
40 conducted utilizing the peer review teacher evaluation
41 system.

42 DIVISION X

43 THIRD GRADE LITERACY

44 Sec. 49. Section 256.7, Code Supplement 2011, is
45 amended by adding the following new subsection:
46 NEW SUBSECTION. 31. By July 1, 2013, adopt by
47 rule guidelines for school district implementation of
48 section 279.68, including but not limited to basic
49 levels of reading proficiency on approved assessments
50 and identification of tools that school districts may

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1 use in evaluating and reevaluating any student who may
2 be or who is determined to be deficient in reading,
3 including but not limited to initial assessments and
4 subsequent assessments, alternative assessments,
5 and portfolio reviews. The state board shall adopt
6 standards that provide a reasonable expectation that
7 a student's progress toward reading proficiency under
8 section 279.68 is sufficient to master appropriate
9 grade four level reading skills prior to the student's
10 promotion to grade four.

11 Sec. 50. Section 256.9, subsection 53, paragraph a,
12 Code Supplement 2011, is amended to read as follows:
13 a. Develop and distribute, or approve, in
14 collaboration with the area education agencies, core
15 curriculum technical assistance and implementation
16 strategies that school districts and accredited
17 nonpublic schools shall utilize, including but not
18 limited to the development and delivery of formative
19 and end-of-course model assessments classroom
20 teachers may use to measure student progress on the
21 core curriculum adopted pursuant to section 256.7,
22 subsection 26. The department shall, in collaboration
23 with the advisory group convened in accordance with

24 paragraph “b” and educational assessment providers,
 25 identify and make available to school districts
 26 end-of-course and additional model end-of-course and
 27 additional assessments to align with the expectations
 28 included in the Iowa core curriculum. The model
 29 assessments shall be suitable to meet the multiple
 30 assessment measures requirement specified in section
 31 256.7, subsection 21, paragraph “c”.

32 Sec. 51. Section 256.9, subsection 53, Code
 33 Supplement 2011, is amended by adding the following new
 34 paragraphs:

35 NEW PARAGRAPH. c. Identify the scoring levels
 36 on approved grade three reading assessments that
 37 require the retention of a student pursuant to
 38 section 279.68, and develop or identify and approve
 39 alternative performance measures for students who are
 40 not proficient in reading in accordance with section
 41 279.68, subsection 2. Alternative performance measures
 42 approved pursuant to this paragraph shall include but
 43 not be limited to a demonstration of reading mastery
 44 evidenced by portfolios of student work.

45 NEW PARAGRAPH. d. Establish, subject to an
 46 appropriation of sufficient funds by the general
 47 assembly, an Iowa reading research center to apply
 48 current research on literacy to provide for the
 49 development and dissemination of all of the following:

50 (1) Promising instructional strategies in reading.

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1 (2) Reading assessments.
 2 (3) Professional development strategies and
 3 materials aligned with current and emerging best
 4 practices for the teaching of reading.
 5 Sec. 52. Section 256D.2A, Code 2011, is amended to
 6 read as follows:
 7 256D.2A Program funding.
 8 For the budget year beginning July 1, 2009, and
 9 each succeeding budget year, a school district shall
 10 expend funds received pursuant to section 257.10,
 11 subsection 11, at the kindergarten through grade
 12 three levels to reduce class sizes to the state goal
 13 of seventeen students for every one teacher and to
 14 achieve a higher level of student success in the
 15 basic skills, especially reading; and to establish
 16 a reading enhancement and acceleration development
 17 initiative pursuant to section 279.68, subsection 3,
 18 paragraph “f”. In order to support these efforts,
 19 school districts shall expend funds received pursuant
 20 to section 257.10, subsection 11, as provided in
 21 section 279.68, subsection 3, paragraph “f”, and may
 22 expend funds received pursuant to section 257.10,

23 subsection 11, at the kindergarten through grade
24 three level on programs, instructional support, and
25 materials that include but are not limited to the
26 following: additional licensed instructional staff;
27 additional support for students, such as before and
28 after school programs, tutoring, and intensive summer
29 programs; the acquisition and administration of
30 diagnostic reading assessments; the implementation of
31 research-based instructional intervention programs for
32 students needing additional support; the implementation
33 of all-day, everyday kindergarten programs; and
34 the provision of classroom teachers with intensive
35 training programs to improve reading instruction and
36 professional development in best practices including
37 but not limited to training programs related to
38 instruction to increase students' phonemic awareness,
39 reading abilities, and comprehension skills.

40 Sec. 53. NEW SECTION. 279.68 Student progression
41 and retention — remedial instruction — reporting
42 requirements.

43 1. Reading deficiency and parental notification.

44 a. A school district shall immediately provide
45 intensive reading instruction to any student who
46 exhibits a substantial deficiency in reading based
47 upon teacher observations or upon assessments
48 approved pursuant to section 256.7, subsection 31, and
49 administered in kindergarten or grade one, grade two,
50 or grade three. The student's reading proficiency

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1 shall be reassessed by assessments approved pursuant
2 to section 256.7, subsection 31. The student shall
3 continue to be provided with intensive reading
4 instruction until the reading deficiency is remedied.

5 b. The parent or guardian of any student in
6 kindergarten through grade three who exhibits a
7 substantial deficiency in reading, as described in
8 paragraph "a", shall be notified at least annually in
9 writing of the following:

10 (1) That the child has been identified as having a
11 substantial deficiency in reading.

12 (2) A description of the services currently
13 provided to the child.

14 (3) A description of the proposed supplemental
15 instructional services and supports that the school
16 district will provide to the child that are designed to
17 remediate the identified area of reading deficiency.

18 (4) That if the child's reading deficiency is not
19 remediated by the end of grade three, the child shall
20 be retained unless the child is exempt from mandatory
21 retention for good cause pursuant to subsection 2,

22 paragraph “b”. If the child is ineligible for a good
23 cause exemption, the notification shall state why the
24 child is ineligible.

25 (5) Strategies for parents and guardians to use
26 in helping the child succeed in reading proficiency,
27 including but not limited to the promotion of
28 parent-guided home reading.

29 (6) That the assessment used pursuant to section
30 256.9, subsection 53, is not the sole determiner of
31 promotion and that additional evaluations, portfolio
32 reviews, performance measures, and assessments are
33 available to the child to assist parents and the school
34 district in knowing when a child is reading at or above
35 grade level and ready for grade promotion.

36 (7) The district’s specific criteria and policies
37 for midyear promotion. For purposes of this section,
38 “midyear promotion” means promotion to the next grade
39 level of a retained student at any time during the year
40 of retention once the student has demonstrated the
41 ability to read at grade level.

42 c. If the student’s reading deficiency, as
43 identified in paragraph “a”, is not remedied by the
44 end of grade three, as demonstrated by scoring on an
45 assessment approved by the department pursuant to
46 section 256.9, subsection 53, the student shall be
47 retained in grade three.

48 2. Good cause exemption.

49 a. The school district shall only exempt students
50 from mandatory retention, as provided in subsection 1,

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1 paragraph “c”, for good cause. Good cause exemptions
2 shall be limited to the following:

3 (1) Limited English proficient students who have
4 had less than two years of instruction in an English as
5 a second language program.

6 (2) Students requiring special education whose
7 individualized education program indicates that
8 participation in the assessment approved pursuant to
9 section 256.9, subsection 53, is not appropriate,
10 consistent with the requirements of rules adopted by
11 the state board of education for the administration of
12 chapter 256B.

13 (3) Students who demonstrate an acceptable level
14 of performance on an alternative performance measure
15 approved by the director of the department of education
16 pursuant to section 256.9, subsection 53.

17 (4) Students who demonstrate mastery through
18 a student portfolio under alternative performance
19 measures approved pursuant to section 256.9, subsection
20 53.

21 (5) Students who have received intensive
22 remediation in reading for two or more years but
23 still demonstrate a deficiency in reading and who were
24 previously retained in kindergarten, grade one, grade
25 two, or grade three. Intensive reading instruction
26 for students so promoted must include an altered
27 instructional day that includes specialized diagnostic
28 information and specific reading strategies for each
29 student. The school district shall assist attendance
30 centers and teachers to implement reading strategies
31 that research has shown to be successful in improving
32 reading among low-performing readers.

33 b. Requests for good cause exemptions from the
34 mandatory retention requirement for students as
35 described in paragraph "a", subparagraphs (3) and (4),
36 shall be made consistent with the following:

37 (1) Documentation shall be submitted from the
38 student's teacher to the school principal that
39 indicates that the promotion of the student is
40 appropriate and is based upon the student's academic
41 record. Such documentation shall include but not be
42 limited to the individualized education program, if
43 applicable, report card, or student portfolio.

44 (2) The school principal shall review and discuss
45 the recommendation submitted pursuant to subparagraph
46 (1) with the teacher and the school principal shall
47 determine whether the student should be promoted
48 or retained. If the principal determines that the
49 student should be retained, the principal shall notify
50 the student's teacher and parent or guardian of the

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1 decision in writing and the student shall be ineligible
2 for the good cause exemption from mandatory retention.

3 (3) If the school principal determines that the
4 student should be promoted, the school principal
5 shall make such recommendation in writing to the
6 district school superintendent. The district school
7 superintendent shall accept or reject the school
8 principal's recommendation and shall notify the school
9 principal and the student's teacher and parent or
10 guardian of the school superintendent's decision in
11 writing. If the school superintendent determines
12 that the student should be retained, the student
13 shall be ineligible for the good cause exemption from
14 mandatory retention. The parent or guardian of the
15 student may appeal the superintendent's decision to
16 the board of directors of the school district. If the
17 superintendent's decision is affirmed by the school
18 board, the decision is final and is not subject to
19 appeal under section 290.1.

20 c. This section does not preclude the parent or
 21 guardian of a student with a reading deficiency from
 22 requesting that the student be retained at grade level.

23 3. Successful progression for retained readers. A
 24 school district shall do all of the following:

25 a. Conduct a review, within one week following
 26 the last instructional day of the school calendar,
 27 of student progress for any student retained under
 28 subsection 1, paragraph "c", who did not meet the
 29 criteria for one of the good cause exemptions in
 30 subsection 2, paragraph "a". The review shall address
 31 additional supports and services, as described in
 32 subparagraph (2), needed to remediate the identified
 33 areas of reading deficiency. The school district shall
 34 require a student portfolio to be completed for each
 35 such student.

36 b. Provide students who are retained under
 37 subsection 1, paragraph "c", with intensive
 38 instructional services and supports, free of charge, to
 39 remediate the identified areas of reading deficiency,
 40 including a minimum of a daily ninety-minute block of
 41 scientific-research-based reading instruction and other
 42 strategies prescribed by the school district which may
 43 include but are not limited to the following:

- 44 (1) Small group instruction.
- 45 (2) Reduced teacher-student ratios.
- 46 (3) More frequent progress monitoring.
- 47 (4) Tutoring or mentoring.
- 48 (5) Transition classes containing students in
- 49 grades three and four.
- 50 (6) Extended school day, week, or year.

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1 (7) Summer reading programs.

2 c. At regular intervals, apprise the parent or
 3 guardian of academic and other progress being made
 4 by the student and give the parent or guardian other
 5 useful information.

6 d. Implement a policy for the midyear promotion of
 7 any student retained under subsection 1, paragraph "c",
 8 who can demonstrate that the student is a successful
 9 and independent reader, reading at or above grade
 10 level, and ready to be promoted to grade four. Tools
 11 that school districts may use in reevaluating any
 12 student retained may include subsequent assessments,
 13 alternative assessments, and portfolio reviews,
 14 identified by rule pursuant to section 256.7,
 15 subsection 31. Students promoted during the school
 16 year after November 1 shall demonstrate proficiency
 17 pursuant to guidelines adopted by rule pursuant to
 18 section 256.7, subsection 31.

19 e. In addition to required reading enhancement and
20 acceleration strategies, provide parents of students
21 who are retained under subsection 1, paragraph “c”,
22 with a plan outlined in a parental contract, including
23 participation in regular parent-guided home reading.

24 f. Establish, using funds received pursuant to
25 section 257.10, subsection 11, a reading enhancement
26 and acceleration development initiative designed to
27 prevent the retention of grade three students and
28 to offer intensive accelerated reading instruction
29 to grade three students who fail to meet standards
30 for promotion to grade four and to each kindergarten
31 through grade three student who is assessed as
32 exhibiting a reading deficiency. The initiative shall
33 comply with all of the following criteria:

34 (1) Be provided to all kindergarten through
35 grade three students at risk of retention under this
36 section. The assessment initiative shall measure
37 phonemic awareness, phonics, fluency, vocabulary, and
38 comprehension.

39 (2) Be provided during regular school hours in
40 addition to the regular reading instruction.

41 (3) Provide a reading curriculum that meets
42 guidelines adopted pursuant to section 256.7,
43 subsection 31, and at a minimum has the following
44 specifications:

45 (a) Assists students assessed as exhibiting a
46 reading deficiency in developing the ability to read
47 at grade level.

48 (b) Provides skill development in phonemic
49 awareness, phonics, fluency, vocabulary, and
50 comprehension.

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1 (c) Includes a scientifically based and reliable
2 assessment.

3 (d) Provides initial and ongoing analysis of each
4 student’s reading progress.

5 (e) Is implemented during regular school hours.

6 (f) Provides a curriculum in core academic subjects
7 to assist the student in maintaining or meeting
8 proficiency levels for the appropriate grade in all
9 academic subjects.

10 g. Report to the department of education the
11 specific intensive reading interventions and supports
12 implemented by the school district pursuant to this
13 section. The department shall annually prescribe the
14 components of required or requested reports, including
15 but not limited to a report on the number of students
16 retained under this section.

17 h. Provide a student who has been retained in grade

18 three and who has received intensive instructional
 19 services but is still not ready for grade promotion,
 20 as determined by the school district, the option of
 21 being placed in a transitional instructional setting.
 22 Such setting shall specifically be designed to
 23 produce learning gains sufficient to meet grade four
 24 performance standards while continuing to remediate the
 25 areas of reading deficiency.

26 4. Notwithstanding subsection 1, paragraph “b”,
 27 subparagraph (4), or any other provision of law to
 28 the contrary, a school district shall not be required
 29 to retain a student in grade three who exhibits a
 30 substantial deficiency in reading in accordance with
 31 this section until the school year beginning July 1,
 32 2016. This subsection is repealed July 1, 2016.

33 DIVISION XI

34 HOME RULE AUTHORITY

35 Sec. 54. NEW SECTION. 274.3 Exercise of powers —
 36 construction.

37 1. The board of directors of a school district
 38 shall operate, control, and supervise all public
 39 schools located within its district boundaries and may
 40 exercise any broad and implied power related to the
 41 operation, control, and supervision of those public
 42 schools except as expressly prohibited or prescribed by
 43 the Constitution of the State of Iowa or by statute.

44 2. Notwithstanding subsection 1, the board of
 45 directors of a school district shall not have power to
 46 levy any tax unless expressly authorized by the general
 47 assembly.

48 3. This section shall not apply to a research and
 49 development school as defined in section 256G.2 or to
 50 a laboratory school as defined in section 265.1. The

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1 board of directors of a school district in which such a
 2 research and development school or laboratory school
 3 is located shall not exercise over such a school any
 4 powers granted to the board by subsection 1.

5 4. This chapter, chapter 257 and chapters 275
 6 through 301, and other statutes relating to the
 7 boards of directors of school districts and to school
 8 districts shall be liberally construed to effectuate
 9 the purposes of subsection 1.

10 DIVISION XII

11 ONLINE LEARNING INTERIM STUDY

12 Sec. 55. ONLINE LEARNING — INTERIM STUDY. The
 13 legislative council is requested to establish an
 14 interim study committee relating to online learning
 15 and programming for school districts and related
 16 educational issues. The objective of the study shall

17 be to review the appropriate use of online learning by
18 school districts, the appropriate levels and sources
19 of funding for online learning, partnerships between
20 school districts and private providers of online
21 programs, and the potential use of online learning as
22 the exclusive means to provide coursework required
23 under the state's educational standards. The study
24 shall identify opportunities between interested
25 agencies and entities involved in or potentially
26 involved in online learning activities, including
27 but not limited to K-12 schools, area education
28 agencies, institutions of higher learning, the
29 public broadcasting division of the department of
30 education, the department of education, and the Iowa
31 communications network. The committee is directed to
32 submit its findings and recommendations in a report to
33 the general assembly by December 14, 2012.

34 DIVISION XIII

35 ADVANCED PLACEMENT PERFORMANCE FUNDING

36 Sec. 56. NEW SECTION. 257.16B Advanced placement
37 performance funding.

38 1. For budget years beginning on or after July
39 1, 2014, the department of management shall allocate
40 from amounts appropriated by the general assembly to
41 the department and from other moneys available to and
42 obtained or accepted by the department for providing
43 advanced placement performance funding for school
44 districts as provided in this section.

45 2. a. Each school district shall receive an amount
46 equal to the school district's total number of advanced
47 placement students divided by the total number of
48 advanced placement students in the state, and then
49 multiplied by the amount of moneys available to provide
50 advanced placement performance funding for the budget

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1 year under subsection 1. The department of education
2 shall certify to the department of management the total
3 number of advanced placement students enrolled in each
4 school district.

5 b. The department of management shall on or before
6 July 1 of the budget year notify each school district
7 of the amount of advanced placement performance funding
8 under this section.

9 c. Payments made to school districts under this
10 section are miscellaneous income and may be used for
11 any school district general fund purpose.

12 3. For purposes of this section, "advanced placement
13 student" means a student who was enrolled in the
14 school district during the school year preceding the
15 base year, who was enrolled in one or more advanced

16 placement courses during such school year as provided
 17 under section 261E.4, and who also achieved a score
 18 on the advanced placement examination for at least
 19 one such course of three or higher on the advanced
 20 placement five-point scale.

21 4. The state board of education shall adopt rules
 22 under chapter 17A necessary to implement this section,
 23 including rules that prescribe all necessary reporting
 24 requirements for school districts.

25 DIVISION XIV

26 PROFESSIONAL SERVICE AND GUIDANCE COUNSELORS

27 Sec. 57. Section 256.9, Code Supplement 2011, is
 28 amended by adding the following new subsection:

29 NEW SUBSECTION. 65. a. Collaborate with, at
 30 a minimum, the board of educational examiners; the
 31 Iowa association of community college trustees; the
 32 association of Iowa area education agencies; the Iowa
 33 school counselor association; the economic development
 34 authority; the department of workforce development;
 35 the governor's science, technology, engineering, and
 36 mathematics advisory council; and students recommended
 37 by the Iowa jobs for America's graduates program; or
 38 successor entities, to develop standards and procedures
 39 for the approval of professional service and secondary
 40 guidance counselor preparation and professional
 41 development programs that, upon approval by the
 42 department, accredited postsecondary institutions which
 43 grant postgraduate degrees may offer to persons seeking
 44 authorization by the board of educational examiners
 45 to serve as secondary school guidance counselors or
 46 to provide professional services in Iowa schools.
 47 A collaboration as specified in this subsection
 48 shall include representation from any stakeholder
 49 organization willing to assist the department in
 50 meeting the requirements of this subsection.

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1 b. Community colleges, the economic development
 2 authority, and the department of workforce development
 3 shall consult and coordinate with employment and
 4 workplace stakeholders in assisting the director in
 5 developing standards and procedures for the approval of
 6 programs pursuant to this subsection.

7 c. Accredited postsecondary institutions that offer
 8 programs approved pursuant to this subsection shall
 9 coordinate with community colleges to ensure that
 10 the professional development programs approved under
 11 this subsection are offered throughout the state at
 12 convenient times.

13 d. The requirements for coursework and programs
 14 approved pursuant to this subsection shall include but

15 not be limited to the following:

16 (1) Provision of information regarding career
17 exploration, planning, and development assistance;
18 and opportunities available to Iowa's students from
19 targeted industries as defined in section 15.411,
20 subsection 1, as well as industries requiring skilled
21 workers with educational backgrounds in science,
22 technology, engineering, or mathematics.

23 (2) Elements to encourage the involvement of
24 parents in career exploration and planning with their
25 children.

26 (3) Elements to encourage the involvement of
27 elementary counselors in career exploration and
28 planning with their students.

29 (4) One semester credit or the equivalent
30 issued by a community college or other accredited
31 postsecondary institution in Iowa for coursework
32 or professional development in career exploration,
33 career education, and career planning. If offered by
34 a community college, the coursework shall be offered
35 at the resident tuition rate set pursuant to section
36 260C.14, subsection 2, to students enrolled in approved
37 professional service and guidance counselor preparation
38 programs and to persons renewing their professional
39 service or secondary guidance counselor licenses or
40 endorsements pursuant to section 272.9B. If a community
41 college fails to offer coursework or professional
42 development in career exploration, career education,
43 and career planning by July 1, 2013, the provisions
44 of section 272.9B shall not apply to an applicant
45 described in that section who resides within the
46 boundaries of the community college and who is employed
47 by an Iowa school as a secondary guidance counselor,
48 until July 1, 2014, or until twelve months following
49 the date upon which the coursework is made available by
50 the community college, whichever is later.

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1 e. The director shall establish an application and
2 review process for approval of programs developed and
3 implemented pursuant to this subsection.

4 f. For purposes of this subsection, "professional
5 service" refers to preparation and professional
6 development programs for, and licensure and endorsement
7 of, persons who are authorized under chapter 272 to
8 provide services in Iowa schools as a school counselor.

9 g. This subsection shall not be construed to
10 require that an accredited postsecondary institution
11 offering a major course of study related to the
12 relevant coursework offered in programs approved
13 pursuant to this subsection establish additional credit

14 requirements to graduate or achieve certification from
 15 the institution in the related major course of study
 16 from the institution. However, only coursework and
 17 programs that meet the requirements established by the
 18 director in accordance with this subsection shall be
 19 approved by the director.

20 Sec. 58. NEW SECTION. 272.9B Professional service
 21 and guidance counselor licenses.

22 Beginning July 1, 2014, except as provided in
 23 section 256.9, subsection 65, paragraph “d”, the board
 24 shall require applicants for professional service and
 25 secondary guidance counselor licenses and endorsements,
 26 and for the renewal of such licenses and endorsements,
 27 to have successfully completed a professional service
 28 or secondary guidance counselor preparation program
 29 or professional development program, as appropriate,
 30 approved in accordance with section 256.9, subsection
 31 65.

32 Sec. 59. Section 279.61, Code 2011, is amended by
 33 adding the following new subsection:

34 NEW SUBSECTION. 3. Beginning July 1, 2015, except
 35 as otherwise provided in section 256.9, subsection 65,
 36 paragraph “d”, career and academic guidance counseling
 37 services shall be provided by the board of directors
 38 of a school district to students enrolled in grades
 39 nine through twelve only by persons issued professional
 40 service or secondary guidance counselor licenses or
 41 endorsements pursuant to section 272.9B, or who hold
 42 a license issued by the board and meet the renewal
 43 requirements for a license pursuant to section 272.9B.

44 DIVISION XV

45 TRAINING, PREPARATION AND LICENSURE PROVISIONS

46 Sec. 60. Section 256.7, subsection 30, Code
 47 Supplement 2011, is amended to read as follows:

48 30. Set standards and procedures for the approval
 49 of training programs for individuals who seek an
 50 authorization issued by the board of educational

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1 examiners for ~~employment~~ the following:

2 a. Employment as a school business official
 3 responsible for the financial operations of a school
 4 district.

5 b. Employment as a school administration manager
 6 responsible for assisting a school principal in
 7 performing noninstructional duties.

8 Sec. 61. Section 256.16, subsection 1, Code 2011,
 9 is amended by striking the subsection and inserting in
 10 lieu thereof the following:

11 1. Pursuant to section 256.7, subsection 5, the
 12 state board shall adopt rules requiring all higher

13 education institutions providing approved practitioner
14 preparation programs to do the following:

15 a. (1) Administer a basic skills test, which
16 has been approved by the director, to practitioner
17 preparation program admission candidates. Candidates
18 who do not successfully pass the test with a score
19 above the twenty-fifth percentile nationally shall be
20 denied admission to the program.

21 (2) A student shall not successfully complete the
22 program unless the student achieves scores above the
23 twenty-fifth percentile nationally on an assessment
24 approved by the director in pedagogy and at least one
25 content area, or on a valid and reliable subject-area
26 specific, performance-based assessment for preservice
27 teacher candidates, centered on student learning.

28 b. Include preparation in reading programs and
29 integrate reading strategies into content area methods
30 coursework.

31 c. Include in the professional education program,
32 preparation that contributes to the education of
33 students with disabilities and students who are
34 gifted and talented, and preparation in classroom
35 management addressing high-risk behaviors including
36 but not limited to behaviors related to substance
37 abuse. Preparation required under this paragraph must
38 be successfully completed before graduation from the
39 practitioner preparation program.

40 Sec. 62. Section 272.1, Code 2011, is amended by
41 adding the following new subsection:

42 **NEW SUBSECTION.** 11A. "School administration
43 manager" means a person who is authorized to assist
44 a school principal in performing noninstructional
45 administrative duties.

46 Sec. 63. Section 272.2, subsection 13, Code
47 Supplement 2011, is amended to read as follows:

48 13. Adopt rules to ~~provide for nontraditional~~
49 ~~preparation options for licensing persons who hold~~
50 ~~a bachelor's degree from an accredited college or~~

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1 ~~university, who do not meet other requirements for~~
2 ~~licensure~~ establish alternative licensure pathways for
3 an initial teacher license and an initial administrator
4 license and endorsement pursuant to section 272.16.
5 The rules shall prescribe standards and procedures
6 for the approval of alternative principal licensing
7 programs which may be offered in this state by
8 designated agencies located within or outside this
9 state. Procedures provided for approval of alternative
10 principal licensing programs shall include procedures
11 for enforcement of the prescribed standards.

12 Sec. 64. NEW SECTION. 272.16 Alternative licensure
13 and endorsement.

14 1. The board shall establish alternative licensure
15 pathways for an initial teacher license and an initial
16 administrator license and endorsement.

17 2. The alternative pathway for an initial teacher
18 license shall include all of the following components:

19 a. A requirement that the applicant for the
20 alternative pathway to an initial teacher license meet
21 all of the following criteria:

22 (1) Hold, at a minimum, a bachelor's degree from
23 a regionally accredited postsecondary institution and
24 twenty-four postsecondary credit hours in the content
25 area to be taught at the licensure level sought by the
26 applicant; or, in order to teach a foreign language,
27 the applicant shall hold at least a bachelor's degree
28 and be a native speaker of the language to be taught.

29 (2) Have successfully passed a background check
30 conducted in accordance with section 272.2, subsection
31 17.

32 (3) Have at least three recent consecutive years of
33 successful, relevant work experience.

34 (4) Have successfully passed a basic skills test,
35 approved by the director, for acceptance. An applicant
36 utilizing the alternative pathway to an initial teacher
37 license shall not be issued such a license unless
38 the student achieves scores above the twenty-fifth
39 percentile nationally on an examination approved by the
40 board for knowledge of pedagogies and in at least one
41 content area.

42 b. A requirement that the person issued an initial
43 teacher license pursuant to this subsection shall,
44 during the person's first three years of teaching,
45 successfully complete a beginning teacher mentoring and
46 induction program pursuant to section 284.5, and shall
47 successfully complete eighteen postsecondary credit
48 hours of pedagogy coursework before the person may be
49 issued a license beyond the initial license.

50 3. The alternative pathway for an initial

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1 administrator license shall include all of the
2 following components:

3 a. A requirement that the applicant for the
4 alternative pathway to an initial administrator license
5 meet all of the following criteria:

6 (1) Hold, at a minimum, a bachelor's degree from a
7 regionally accredited postsecondary institution.

8 (2) Have successfully passed a background check
9 conducted in accordance with section 272.2, subsection

10 17.

11 b. A requirement that a person who is issued an
12 initial administrator license through the alternative
13 pathway specified by this subsection may be employed by
14 a school district or accredited nonpublic school and,
15 for the first consecutive three years of employment
16 as a building principal, shall be supervised and
17 mentored by a person who holds a valid professional
18 administrator license.

19 4. A person with at least five recent years of
20 successful experience as a professional educator, and
21 who is enrolled in an alternative principal licensing
22 program approved by the board, may qualify for an
23 initial administrator license.

24 5. A person with at least five recent years of
25 successful management experience in business; industry;
26 local, state, or federal government; or the military
27 service of the United States, and who has successfully
28 completed an alternative principal licensing program
29 approved by the board, may qualify for an initial
30 administrator license.

31 6. a. The alternative pathway for an initial
32 administrator endorsement for school superintendents
33 and area education agency administrators shall require
34 an applicant to meet all of the following criteria:

35 (1) Hold, at a minimum, a bachelor's degree from a
36 regionally accredited postsecondary institution.

37 (2) Have successfully passed a background check
38 conducted in accordance with section 272.2, subsection
39 17.

40 (3) Have at least five recent years of successful,
41 relevant experience as a professional educator or
42 management experience in business; industry; local,
43 state, or federal government; or the military service
44 of the United States.

45 b. A person issued an initial administrator
46 endorsement for superintendents or area education
47 agency administrators under this subsection shall
48 successfully complete a beginning mentoring and
49 induction program with a mentor who is a superintendent
50 or area education agency administrator, as appropriate.

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1 c. A person issued an initial administrator
2 endorsement for superintendents or area education
3 agency administrators pursuant to this subsection,
4 who successfully completes three years of experience
5 as a superintendent or area education agency
6 administrator, may be issued a license beyond the
7 initial administrator endorsement.

8 7. Upon application, a person who holds an initial
9 administrator license issued pursuant to subsection 3,

10 and who has three years of successful experience as a
 11 principal, shall be issued a professional administrator
 12 license.

13 Sec. 65. Section 272.25, subsection 1, Code 2011,
 14 is amended to read as follows:

15 1. A requirement that each student admitted to
 16 an approved practitioner preparation program must
 17 participate in field experiences that include both
 18 observation and participation in teaching activities in
 19 a variety of school settings. These field experiences
 20 shall comprise a total of at least fifty hours in
 21 duration, at least ten hours of which shall occur prior
 22 to a student's acceptance in an approved practitioner
 23 preparation program. The student teaching experience
 24 shall be a minimum of ~~twelve~~ fifteen weeks in duration
 25 during the student's final year of the practitioner
 26 preparation program.

27 Sec. 66. Section 272.31, Code 2011, is amended by
 28 adding the following new subsection:

29 NEW SUBSECTION. 2A. The board shall issue a school
 30 administration manager authorization to an individual
 31 who successfully completes a training program that
 32 meets the standards set by the state board pursuant to
 33 section 256.7, subsection 30, and who complies with
 34 rules adopted by the state board pursuant to subsection
 35 3.

36 DIVISION XVI

37 KINDERGARTEN REQUIREMENT

38 Sec. 67. Section 299.1A, Code 2011, is amended to
 39 read as follows:

40 299.1A Compulsory attendance age.

41 1. A Except as provided in subsection 2, a
 42 child who has reached the age of six and is under
 43 sixteen years of age by September 15 is of compulsory
 44 attendance age. However, if a child enrolled in a
 45 school district or accredited nonpublic school reaches
 46 the age of sixteen on or after September 15, the child
 47 remains of compulsory age until the end of the regular
 48 school calendar.

49 2. A child who has reached the age of five by
 50 September 15 and who is enrolled in a school district

Page 40

1 shall be considered to be of compulsory attendance age
 2 unless the parent or guardian of the child notifies
 3 the school district in writing of the parent's or
 4 guardian's intent to remove the child from enrollment
 5 in the school district.

6 DIVISION XVII

7 STATE MANDATE

8 Sec. 68. STATE MANDATE FUNDING SPECIFIED. In

9 accordance with section 25B.2, subsection 3, the state
 10 cost of requiring compliance with any state mandate
 11 included in this Act shall be paid by a school district
 12 from state school foundation aid received by the school
 13 district under section 257.16. This specification
 14 of the payment of the state cost shall be deemed to
 15 meet all of the state funding-related requirements of
 16 section 25B.2, subsection 3, and no additional state
 17 funding shall be necessary for the full implementation
 18 of this Act by and enforcement of this Act against all
 19 affected school districts.>

20 2. Title page, line 4, before <school> by inserting
 21 <the department of management,>

22 3. By renumbering as necessary.

S-5217

1 Amend House File 2422, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 17, by striking <or owner>

4 2. Page 1, line 18, after <facility.> by inserting
 5 <For purposes of this paragraph, the approval of
 6 the administrator of the nursing facility cannot
 7 be withheld on the basis of considerations that are
 8 otherwise prohibited by state or federal law.>

9 3. Page 2, lines 13 and 14, by striking <or owner>

10 4. Page 2, line 14, after <facility.> by inserting
 11 <For purposes of this subsection, the approval of the
 12 administrator of the residential care facility cannot
 13 be withheld on the basis of considerations that are
 14 otherwise prohibited by state or federal law.>

15 5. By striking page 2, line 15, through page 4,
 16 line 12, and inserting:

17 <Sec. ____ Section 229A.8A, subsection 5, Code
 18 2011, is amended to read as follows:

19 5. ~~Committed~~ Except as provided in subsection 6A,
 20 committed persons in the transitional release program
 21 are not necessarily required to be segregated from
 22 other persons.

23 Sec. ____ Section 229A.8A, Code 2011, is amended by
 24 adding the following new subsection:

25 NEW SUBSECTION. 6A. Persons in the transitional
 26 release program shall not be released to a health care
 27 facility as defined in section 135C.1.

28 Sec. ____ Section 229A.9A, Code 2011, is amended by
 29 adding the following new subsection:

30 NEW SUBSECTION. 3A. If a release with or without
 31 supervision is ordered, the committed person shall not
 32 be released to a health care facility as defined in
 33 section 135C.1.>

34 6. Page 5, line 6, by striking <or owner>

35 7. Page 5, line 7, after <program.> by inserting

36 <For purposes of this subsection, the approval of
37 the manager of the assisted living program cannot
38 be withheld on the basis of considerations that are
39 otherwise prohibited by state or federal law.>

40 8. Page 5, by striking lines 8 through 10.

41 9. By striking page 5, line 19, through page 6,
42 line 19.

43 10. Page 8, line 9, after <appeals> by inserting <,
44 in conjunction with the department of human services,>

45 11. Page 8, line 31, by striking <deems> and
46 inserting <and the department of human services deem>

47 12. By striking page 8, line 32, through page 9,
48 line 4.

49 13. By striking page 9, line 5, through page 10,
50 line 12, and inserting:

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1 <3. The committee shall discuss and make
2 recommendations on options to create a new facility
3 or assist an existing facility to expand services
4 to provide care for elderly persons who have
5 previously been declared to be a sexually violent
6 predator pursuant to chapter 229A. The committee
7 shall identify the characteristics of a client
8 for such a facility, the need for such a facility,
9 options for creating a new facility to house such
10 clients, options for the expansion of an existing
11 facility to house such clients, options for using any
12 alternative facilities for such purposes, options for
13 a public-private partnership for such a facility,
14 options for using part of a mental health institute
15 to house such clients, options to qualify a facility
16 for Medicaid reimbursement, cost projections for any
17 recommendations, regulatory challenges, and other
18 information deemed relevant by the department of
19 inspections and appeals and the department of human
20 services. The committee shall also discuss and make
21 recommendations on the right of nursing facilities,
22 residential care facilities, and assisted living
23 programs to transfer or discharge a resident or tenant
24 who has previously been declared to be a sexually
25 violent predator.>

26 14. By striking page 10, line 16, through page 11,
27 line 11.

28 15. Title page, by striking lines 1 through 4 and
29 inserting <An Act relating to the care and housing of
30 elderly sex offenders and sexually violent predators
31 and including effective date provisions.>

32 16. By renumbering as necessary.

S-5218

- 1 Amend Senate File 2335 as follows:
- 2 1. Page 1, line 27, after <incurred by> by
3 inserting <the state or>
- 4 2. Page 1, line 29, after <incurred by> by
5 inserting <the state or>
- 6 3. Page 1, line 32, after <incurred by> by
7 inserting <the state or>
- 8 4. By striking page 2, line 27, through page 3,
9 line 11, and inserting:
- 10 <a. One member appointed by the Iowa peace officers
11 association.
12 b. One member appointed by the Iowa state sheriff's
13 and deputies association.
14 c. One member appointed by the Iowa police chiefs
15 association.
16 d. One member who is a fire chief appointed by the
17 Iowa fire chiefs association.
18 e. One member who is a fire chief appointed by the
19 Iowa professional fire chiefs association.
20 f. One member who is the chief of the Iowa fire
21 service training bureau or the chief's designee.
22 g. Two members who are representatives of the fire
23 service appointed by the Iowa firefighters association.
24 h. The director of the Iowa law enforcement academy
25 or the director's designee.
26 i. The commissioner of the department of public
27 safety or the commissioner's designee.
28 j. Two members who are appointed by the Iowa
29 professional firefighters.
30 k. The state fire marshal or the state fire
31 marshal's designee.
32 l. The director of the department of corrections or
33 the director's designee.
34 m. One member appointed by the chief of the bureau
35 of emergency medical services of the Iowa department
36 of public health.
37 n. One member appointed by the Iowa emergency
38 medical services association.
39 o. One member appointed by the Iowa state police
40 association.
41 p. One member appointed by the state police
42 officers council who is representing peace officers
43 within the department of public safety.
44 q. One member appointed by the state police
45 officers council who is representing employees of the
46 department of natural resources.
47 r. One member who is the chief of the law
48 enforcement bureau of the department of natural
49 resources or the chief's designee.
50 s. One member appointed by the governor who

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- 1 is a public member who has no personal interest
 2 or occupational responsibilities in the area of
 3 responsibility given to the task force and represents
 4 the interests of the public in general.
 5 t. One member appointed by the collective
 6 bargaining unit that represents the largest number of
 7 employees in the department of corrections.
 8 u. One member appointed by the collective
 9 bargaining unit that represents the largest number of
 10 jailers and dispatchers in this state.
 11 v. One member appointed by the Iowa association of
 12 community college presidents.>
 13 5. By renumbering as necessary.

STEVEN J. SODDERS

S-5219

- 1 Amend House File 2422, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 17, by striking <or owner>
 4 2. Page 1, line 18, after <facility.> by inserting
 5 <For purposes of this paragraph, the approval of
 6 the administrator of the nursing facility cannot
 7 be withheld on the basis of considerations that are
 8 otherwise prohibited by state or federal law.>
 9 3. Page 2, lines 13 and 14, by striking <or owner>
 10 4. Page 2, line 14, after <facility.> by inserting
 11 <For purposes of this subsection, the approval of the
 12 administrator of the residential care facility cannot
 13 be withheld on the basis of considerations that are
 14 otherwise prohibited by state or federal law.>
 15 5. By striking page 2, line 15, through page 4,
 16 line 12, and inserting:
 17 <Sec. ____. Section 229A.8A, subsection 5, Code
 18 2011, is amended to read as follows:
 19 5. ~~Committed~~ Except as provided in subsection 6A,
 20 committed persons in the transitional release program
 21 are not necessarily required to be segregated from
 22 other persons.
 23 Sec. ____. Section 229A.8A, Code 2011, is amended by
 24 adding the following new subsection:
 25 NEW SUBSECTION. 6A. Persons in the transitional
 26 release program shall not be released to a health care
 27 facility as defined in section 135C.1.
 28 Sec. ____. Section 229A.9A, Code 2011, is amended by
 29 adding the following new subsection:
 30 NEW SUBSECTION. 3A. If a release with or without
 31 supervision is ordered, the committed person shall not
 32 be released to a health care facility as defined in

33 section 135C.1.>

34 6. Page 5, line 6, by striking <or owner>

35 7. Page 5, line 7, after <program.> by inserting

36 <For purposes of this subsection, the approval of
37 the manager of the assisted living program cannot
38 be withheld on the basis of considerations that are
39 otherwise prohibited by state or federal law.>

40 8. Page 5, by striking lines 8 through 10.

41 9. By striking page 5, line 19, through page 6,
42 line 19.

43 10. Page 8, line 9, after <appeals> by inserting <,
44 in conjunction with the department of human services,>

45 11. Page 8, line 31, by striking <deems> and
46 inserting <and the department of human services deem>

47 12. By striking page 8, line 32, through page 9,
48 line 4.

49 13. By striking page 9, line 5, through page 10,
50 line 12, and inserting:

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1 <3. The committee shall discuss and make
2 recommendations on options to create a new facility
3 or assist an existing facility to expand services
4 to provide care for elderly persons who have
5 previously been declared to be a sexually violent
6 predator pursuant to chapter 229A. The committee
7 shall identify the characteristics of a client
8 for such a facility, the need for such a facility,
9 options for creating a new facility to house such
10 clients, options for the expansion of an existing
11 facility to house such clients, options for using any
12 alternative facilities for such purposes, options for
13 a public-private partnership for such a facility,
14 options for using part of a mental health institute
15 to house such clients, options to qualify a facility
16 for Medicaid reimbursement, cost projections for any
17 recommendations, regulatory challenges, and other
18 information deemed relevant by the department of
19 inspections and appeals and the department of human
20 services. The committee shall also discuss and make
21 recommendations on the authority of nursing facilities,
22 residential care facilities, and assisted living
23 programs to transfer or discharge a resident or tenant
24 who is required to register as a sex offender pursuant
25 to chapter 692A.>

26 14. By striking page 10, line 16, through page 11,
27 line 11, and inserting:

28 <Sec. ___. RESIDENTS AND TENANTS — DISCHARGE. The
29 department of inspections and appeals shall adopt rules
30 that provide that a nursing facility, residential care
31 facility, or assisted living program has the authority

32 to discharge a resident or tenant who is required to
 33 register as a sex offender pursuant to chapter 692A
 34 based on the person's status as a sex offender as
 35 an endangerment to the safety of individuals in the
 36 facility or program.

37 Sec. ____ EMERGENCY RULES. If specifically
 38 authorized by a provision of this Act, the department
 39 of inspections and appeals may adopt administrative
 40 rules under section 17A.4, subsection 3, and section
 41 17A.5, subsection 2, paragraph "b", to implement
 42 the provisions and the rules shall become effective
 43 immediately upon filing or on a later effective date
 44 specified in the rules, unless the effective date is
 45 delayed by the administrative rules review committee.
 46 Any rules adopted in accordance with this section
 47 shall not take effect before the rules are reviewed
 48 by the administrative rules review committee. The
 49 delay authority provided to the administrative rules
 50 review committee under section 17A.4, subsection 7, and

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1 section 17A.8, subsection 9, shall be applicable to a
 2 delay imposed under this section, notwithstanding a
 3 provision in those sections making them inapplicable
 4 to section 17A.5, subsection 2, paragraph "b". Any
 5 rules adopted in accordance with the provisions of this
 6 section shall also be published as a notice of intended
 7 action as provided in section 17A.4.>

8 15. Title page, by striking lines 1 through 4 and
 9 inserting <An Act relating to the care and housing of
 10 elderly sex offenders and sexually violent predators
 11 and including effective date provisions.>

12 16. By renumbering as necessary.

TOM HANCOCK

S-5220

1 Amend House File 2460, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. Section 11.11, Code Supplement 2011, is
 6 amended to read as follows:

7 11.11 Scope of audits.

8 The written report of the audit of a governmental
 9 subdivision shall include the auditor's opinion as
 10 to whether a governmental subdivision's financial
 11 statements are presented fairly in all material
 12 respects in conformity with generally accepted
 13 accounting principles or with an other comprehensive

14 basis of accounting. As a part of conducting an
15 audit of a governmental subdivision, an evaluation of
16 internal control and tests for compliance with laws and
17 regulations shall be performed. As part of conducting
18 an audit of a governmental subdivision, an examination
19 of the governmental subdivision's compliance with the
20 reporting requirements of section 331.403, subsection
21 3, or 384.22, subsection 2, if applicable, shall be
22 performed.

23 Sec. 2. Section 24.21, Code 2011, is amended to
24 read as follows:

25 24.21 Transfer of inactive funds.

26 Subject to the provisions of any law relating to
27 municipalities, when the necessity for maintaining any
28 fund of the municipality has ceased to exist, and a
29 balance remains in said fund, the certifying board or
30 levying board, as the case may be, shall so declare by
31 resolution, and upon such declaration, such balance
32 shall forthwith be transferred to the fund or funds of
33 the municipality designated by such board, unless other
34 provisions have been made in creating such fund in
35 which such balance remains. In the case of a special
36 fund created by a city or a county under section
37 403.19, such balance remaining in the fund shall be
38 allocated to and paid into the funds for the respective
39 taxing districts as taxes by or for the taxing district
40 into which all other property taxes are paid.

41 Sec. 3. Section 331.403, subsection 3, Code 2011,
42 is amended by striking the subsection and inserting in
43 lieu thereof the following:

44 3. a. Each county that had an urban renewal
45 plan and area in effect at any time during the most
46 recently ended fiscal year shall complete for each
47 such urban renewal plan and area and file with the
48 department of management an urban renewal report by
49 December 1 following the end of such fiscal year.
50 Each report shall be approved by the affirmative vote

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1 of a majority of the board and be prepared in the
2 format and submitted electronically pursuant to the
3 instructions prescribed by the department of management
4 in consultation with the legislative services agency.

5 b. The report required under this subsection shall
6 include all of the following as of June 30 of the most
7 recently ended fiscal year or the information for such
8 fiscal year, as applicable:

9 (1) Whether the urban renewal area is determined by
10 the county to be a slum area, blighted area, economic
11 development area or a combination of those areas, and
12 the date such determination was made.

13 (2) A map clearly identifying the boundaries of the
14 urban renewal area.

15 (3) A copy of the ordinance providing for a
16 division of revenue in the urban renewal area under
17 section 403.19.

18 (4) A copy of the urban renewal plan adopted for
19 the urban renewal area, the date of each amendment to
20 the plan, and a copy of such amendment.

21 (5) A list and description of all urban renewal
22 projects within the urban renewal area that are in
23 process and all urban renewal projects that were
24 completed during the fiscal year.

25 (6) A description of each expenditure during the
26 fiscal year from the county's special fund created
27 in section 403.19. Each such expenditure shall be
28 classified by the county according to categories
29 established by the department of management and shall
30 be designated as corresponding to the specific loan,
31 advance, indebtedness, or bond which qualifies for
32 payment from the special fund under section 403.19.
33 Each such expenditure shall also be designated as
34 corresponding to one or more specific urban renewal
35 projects. This description shall not be required for
36 the report required to be filed on or before December
37 1, 2012.

38 (7) The amount of loans, advances, indebtedness,
39 or bonds, including interest negotiated on such loans,
40 advances, indebtedness, or bonds, which qualify for
41 payment from the special fund created in section
42 403.19, and which were incurred or issued during
43 the fiscal year. Each such loan, advance, debt, or
44 bond shall be classified by the county according to
45 categories established by the department of management
46 and shall be designated as corresponding to one or more
47 specific urban renewal projects.

48 (8) The amount of loans, advances, indebtedness,
49 or bonds that remain unpaid at the close of the fiscal
50 year, and which qualify for payment from the special

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1 fund created in section 403.19, including interest
2 negotiated on such loans, advances, indebtedness, or
3 bonds.

4 (9) The total amount of property taxes that were
5 exempted, rebated, refunded, or reimbursed by the
6 county, used to fund a grant provided by the county,
7 or directly paid by the county during the fiscal year
8 for property in the urban renewal area using moneys in
9 the county's special fund created in section 403.19 and
10 such amounts agreed to by the county for future fiscal
11 years.

12 (10) A list of all properties, including the owner
13 of such properties, and the amount of property taxes
14 due and payable for the fiscal year that were exempted,
15 rebated, refunded, or reimbursed by the county, used to
16 fund a grant provided by the county, or directly paid
17 by the county during the fiscal year using moneys in
18 the county's special fund created in section 403.19 and
19 information for such amounts agreed to by the county
20 for future fiscal years.

21 (11) The balance of the county's special fund
22 created in section 403.19.

23 (12) The aggregate assessed value of the taxable
24 property in the urban renewal area, as shown on the
25 assessment roll used to calculate the amount of taxes
26 under section 403.19, subsection 1, for the fiscal
27 year.

28 (13) The aggregate assessed value of each
29 classification of taxable property located in the urban
30 renewal area.

31 (14) That portion of the assessed value of all
32 taxable property located in the urban renewal area that
33 was used to calculate the amount of excess taxes under
34 section 403.19, subsection 2.

35 (15) The amount of taxes determined under section
36 403.19, subsection 2, in excess of the amount required
37 to pay the applicable loans, advances, indebtedness,
38 and bonds, if any, and interest thereon, for the fiscal
39 year that was paid into the funds for the respective
40 taxing districts in the same manner as taxes on all
41 other property.

42 (16) Interest or earnings received by each urban
43 renewal area during the fiscal year on amounts
44 deposited into the special fund created in section
45 403.19 and the net proceeds during the fiscal year from
46 the sale of assets purchased using amounts deposited
47 into the special fund created in section 403.19.

48 (17) For each taxing district for which the
49 county divided taxes, the amount of taxes determined
50 under section 403.19, subsection 2, that, in lieu of

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1 allocation to the taxing district, were deposited into
2 the county's special fund during the fiscal year.

3 (18) The amount of expenditures by the county
4 during the fiscal year for the purpose of providing or
5 aiding in the provision of public improvements related
6 to housing and residential development.

7 (19) The amount of assistance to low and moderate
8 income housing provided by the county under section
9 403.22 during the fiscal year if applicable.

10 (20) All other additional information or

11 documentation relating to a county's urban renewal
 12 activities or use of divisions of revenue under chapter
 13 403 deemed relevant by the department of management, in
 14 consultation with the county finance committee.

15 c. By December 1, 2012, the department of
 16 management, in collaboration with the legislative
 17 services agency, shall make publicly available on
 18 an internet site a searchable database of all such
 19 information contained in the reports required under
 20 this subsection. Reports from previous years shall be
 21 retained by the department and shall continue to be
 22 available and searchable on the internet site.

23 d. The legislative services agency, in consultation
 24 with the department of management, shall annually
 25 prepare a report for submission to the governor and
 26 the general assembly that summarizes and analyzes the
 27 information contained in the reports submitted under
 28 this subsection, section 357H.9, subsection 2, and
 29 section 384.22, subsection 2. The report prepared by
 30 the legislative services agency shall be submitted not
 31 later than February 15 following the most recently
 32 ended fiscal year for which the reports were filed.

33 e. For purposes of this subsection, "indebtedness"
 34 includes but is not limited to written agreements
 35 whereby the county agrees to exempt, rebate, refund, or
 36 reimburse property taxes, provide a grant for property
 37 taxes paid, or make a direct payment of taxes, with
 38 moneys in the special fund created in section 403.19,
 39 and bonds, notes, or other obligations that are secured
 40 by or subject to repayment from moneys appropriated by
 41 the county from moneys in the special fund created in
 42 section 403.19.

43 Sec. 4. Section 331.403, Code 2011, is amended by
 44 adding the following new subsection:

45 NEW SUBSECTION. 4. The annual financial report
 46 shall be prepared on forms and pursuant to instructions
 47 prescribed by the department of management and shall
 48 be filed with the department of management. The urban
 49 renewal report shall be filed with the department of
 50 management. Each report must be filed prior to the

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1 publication and adoption of the county budget under
 2 section 331.434 for the fiscal year beginning July
 3 1 following the date such reports are due. If such
 4 reports are not filed pursuant to the requirements of
 5 this section, the department of management shall not
 6 certify the county's taxes back to the county auditor
 7 under section 24.17.

8 Sec. 5. Section 331.434, unnumbered paragraph 1,
 9 Code 2011, is amended to read as follows:

10 Annually, the board of each county, subject to
11 ~~section 331.403, subsection 4~~, sections 331.423
12 through 331.426, and other applicable state law, shall
13 prepare and adopt a budget, certify taxes, and provide
14 appropriations as follows:

15 Sec. 6. Section 331.434, subsection 1, Code 2011,
16 is amended to read as follows:

17 1. The budget shall show the amount required for
18 each class of proposed expenditures, a comparison of
19 the amounts proposed to be expended with the amounts
20 expended for like purposes for the two preceding years,
21 the revenues from sources other than property taxation,
22 and the amount to be raised by property taxation, in
23 the detail and form prescribed by the director of the
24 department of management. For each county that has
25 established an urban renewal area, the budget shall
26 include estimated and actual tax increment financing
27 revenues and all estimated and actual expenditures of
28 the revenues, proceeds from debt and all estimated
29 and actual expenditures of the debt proceeds, ~~and~~
30 ~~identification of any entity receiving a direct payment~~
31 ~~of taxes funded by tax increment financing revenues~~
32 ~~and shall include the total amount of loans, advances,~~
33 ~~indebtedness, or bonds outstanding at the close of~~
34 ~~the most recently ended fiscal year, which qualify~~
35 ~~for payment from the special fund created in section~~
36 ~~403.10, including interest negotiated on such loans,~~
37 ~~advances, indebtedness, or bonds. For purposes of this~~
38 ~~subsection, "indebtedness" includes written agreements~~
39 ~~whereby the county agrees to suspend, abate, exempt,~~
40 ~~rebate, refund, or reimburse property taxes, provide a~~
41 ~~grant for property taxes paid, or make a direct payment~~
42 ~~of taxes, with moneys in the special fund. The amount~~
43 ~~of loans, advances, indebtedness, or bonds shall be~~
44 ~~listed in the aggregate for each county reporting. The~~
45 ~~county finance committee, in consultation with the~~
46 ~~department of management and the legislative services~~
47 ~~agency, shall determine reporting criteria and shall~~
48 ~~prepare a form for reports filed with the department~~
49 ~~puruant to this section. The department shall make~~
50 ~~the information available by electronic means.~~

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1 Sec. 7. Section 357H.9, Code 2011, is amended to
2 read as follows:

3 357H.9 Incremental property taxes.

4 1. The board of trustees shall provide by
5 resolution that taxes levied on the taxable property
6 in a rural improvement zone each year by or for the
7 benefit of the state, city, county, school district,
8 or other taxing district after the effective date of

9 the resolution shall be divided as provided in section
 10 403.19, subsections 1 and 2, in the same manner as
 11 if the taxable property in the rural improvement zone
 12 was taxable property in an urban renewal area and
 13 the resolution was an ordinance within the meaning of
 14 those subsections. The taxes received by the board
 15 of trustees shall be allocated to, and when collected
 16 be paid into, a special fund and may be irrevocably
 17 pledged by the trustees to pay the principal of
 18 and interest on the certificates, contracts, or
 19 other obligations approved by the board of trustees
 20 to finance or refinance, in whole or in part, an
 21 improvement project. As used in this section, "taxes"
 22 includes, but is not limited to, all levies on an ad
 23 valorem basis upon land or real property located in the
 24 rural improvement zone.

25 2. a. Each board of trustees that has by
 26 resolution provided for a division of revenue in the
 27 rural improvement zone during the most recently ended
 28 fiscal year shall complete and file with the department
 29 of management a tax increment financing report by
 30 December 1 following the end of such fiscal year. The
 31 report shall be approved by the affirmative vote of a
 32 majority of the board of trustees and be prepared in the
 33 format and submitted electronically pursuant to the
 34 instructions prescribed by the department of management
 35 in consultation with the legislative services agency.

36 b. The report required under this subsection shall
 37 include substantially the same information required for
 38 counties under section 331.403, subsection 3, as of
 39 June 30 of the most recently ended fiscal year or the
 40 information for such fiscal year, as applicable.

41 c. By December 1, 2012, the department of
 42 management, shall make publicly available on an
 43 internet site a searchable database of all such
 44 information contained in the reports required under
 45 this subsection. Reports from previous years shall be
 46 retained by the department and shall continue to be
 47 available and searchable on the internet site.

48 d. A board of trustees that fails to satisfy the
 49 requirements of this subsection shall have all future
 50 incremental taxes withheld from payment into the rural

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1 improvement zone's special fund until such requirements
 2 are met.

3 Sec. 8. Section 384.16, unnumbered paragraph 1,
 4 Code 2011, is amended to read as follows:

5 Annually, a city that has satisfied the requirements
 6 of section 384.22, subsection 3, shall prepare and
 7 adopt a budget, and shall certify taxes as follows:

8 Sec. 9. Section 384.16, subsection 1, paragraphs b
 9 and c, Code 2011, are amended to read as follows:
 10 b. A budget must show comparisons between the
 11 estimated expenditures in each program in the following
 12 year, the latest estimated expenditures in each program
 13 in the current year, and the actual expenditures
 14 in each program from the annual ~~report reports~~ as
 15 provided in section 384.22, or as corrected by a
 16 subsequent audit report. Wherever practicable, as
 17 provided in rules of the committee, a budget must show
 18 comparisons between the levels of service provided
 19 by each program as estimated for the following year,
 20 and actual levels of service provided by each program
 21 during the two preceding years. For each city that has
 22 established an urban renewal area, the budget shall
 23 include estimated and actual tax increment financing
 24 revenues and all estimated and actual expenditures of
 25 the revenues, proceeds from debt and all estimated
 26 and actual expenditures of the debt proceeds, ~~and~~
 27 ~~identification of any entity receiving a direct payment~~
 28 ~~of taxes funded by tax increment financing revenues~~
 29 ~~and shall include the total amount of loans, advances,~~
 30 ~~indebtedness, or bonds outstanding at the close of~~
 31 ~~the most recently ended fiscal year, which qualify~~
 32 ~~for payment from the special fund created in section~~
 33 ~~403.19, including interest negotiated on such loans,~~
 34 ~~advances, indebtedness, or bonds. The amount of loans,~~
 35 ~~advances, indebtedness, or bonds shall be listed in the~~
 36 ~~aggregate for each city reporting. The city finance~~
 37 ~~committee, in consultation with the department of~~
 38 ~~management and the legislative services agency, shall~~
 39 ~~determine reporting criteria and shall prepare a form~~
 40 ~~for reports filed with the department pursuant to this~~
 41 ~~section. The department shall make the information~~
 42 ~~available by electronic means.~~
 43 e. ~~For purposes of this subsection, “indebtedness”~~
 44 ~~includes written agreements whereby the city agrees to~~
 45 ~~suspend, abate, exempt, rebate, refund, or reimburse~~
 46 ~~property taxes, provide a grant for property taxes~~
 47 ~~paid, or make a direct payment of taxes, with moneys~~
 48 ~~in the special fund.~~
 49 Sec. 10. Section 384.22, Code 2011, is amended to
 50 read as follows:

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1 384.22 Annual ~~report reports~~ — financial report —
 2 urban renewal report.
 3 1. Not later than December 1 of each year, a city
 4 shall publish an annual financial report as provided in
 5 section 362.3 containing a summary for the preceding
 6 fiscal year of all collections and receipts, all

7 accounts due the city, and all expenditures, the
 8 current public debt of the city, and the legal debt
 9 limit of the city for the current fiscal year. The
 10 annual financial report shall be prepared on forms and
 11 pursuant to instructions prescribed by the auditor of
 12 state. ~~A copy of this report must be filed with the~~
 13 ~~auditor of state not later than December 1 of each~~
 14 ~~year.~~

15 ~~A city that fails to meet the filing deadline~~
 16 ~~imposed by this section shall have withheld from~~
 17 ~~payments to be made to the county which are allocated~~
 18 ~~to the city pursuant to section 425.1 an amount equal~~
 19 ~~to five cents per capita until the annual report is~~
 20 ~~filed with the auditor of state.~~

21 2. a. Each city that had an urban renewal plan and
 22 area in effect at any time during the most recently
 23 ended fiscal year shall complete for each such urban
 24 renewal plan and area and file with the department
 25 of management an urban renewal report by December 1
 26 following the end of such fiscal year. Each report
 27 shall be approved by the affirmative vote of a
 28 majority of the city council and be prepared in the
 29 format and submitted electronically pursuant to the
 30 instructions prescribed by the department of management
 31 in consultation with the legislative services agency.

32 b. The report required under this subsection shall
 33 include all of the following as of June 30 of the most
 34 recently ended fiscal year:

35 (1) Whether the urban renewal area is determined
 36 by the city to be a slum area, blighted area, economic
 37 development area or a combination of those areas, and
 38 the date such determination was made.

39 (2) A map clearly identifying the boundaries of the
 40 urban renewal area.

41 (3) A copy of the ordinance providing for a
 42 division of revenue in the urban renewal area under
 43 section 403.19.

44 (4) A copy of the urban renewal plan adopted for
 45 the urban renewal area, the date of each amendment to
 46 the plan, and a copy of such amendment.

47 (5) A list and description of all urban renewal
 48 projects within the urban renewal area that are in
 49 process and all urban renewal projects that were
 50 completed during the fiscal year.

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1 (6) A description of each expenditure during
 2 the fiscal year from the city's special fund created
 3 in section 403.19. Each such expenditure shall
 4 be classified by the city according to categories
 5 established by the department of management and shall

6 be designated as corresponding to the specific loan,
7 advance, indebtedness, or bond which qualifies for
8 payment from the special fund under section 403.19.
9 Each such expenditure shall also be designated as
10 corresponding to one or more specific urban renewal
11 projects. This description shall not be required for
12 the report required to be filed on or before December
13 1, 2012.

14 (7) The amount of loans, advances, indebtedness,
15 or bonds, including interest negotiated on such loans,
16 advances, indebtedness, or bonds, which qualify for
17 payment from the special fund created in section
18 403.19, and which were incurred or issued during the
19 fiscal year. Each such loan, advance, debt, or bond
20 shall be classified by the city according to categories
21 established by the department of management and shall
22 be designated as corresponding to one or more specific
23 urban renewal projects.

24 (8) The amount of loans, advances, indebtedness,
25 or bonds that remain unpaid at the close of the fiscal
26 year, and which qualify for payment from the special
27 fund created in section 403.19, including interest
28 negotiated on such loans, advances, indebtedness, or
29 bonds.

30 (9) The total amount of property taxes that were
31 exempted, rebated, refunded, or reimbursed by the city,
32 used to fund a grant provided by the city, or directly
33 paid by the city during the fiscal year for property
34 in the urban renewal area using moneys in the city's
35 special fund created in section 403.19 and such amounts
36 agreed to by the city for future fiscal years.

37 (10) A list of all properties, including the owner
38 of such properties, and the amount of property taxes
39 due and payable for the fiscal year that were exempted,
40 rebated, refunded, or reimbursed by the city, used to
41 fund a grant provided by the city, or directly paid
42 by the city during the fiscal year using moneys in
43 the city's special fund created in section 403.19 and
44 information for such amounts agreed to by the city for
45 future fiscal years.

46 (11) The balance of the city's special fund created
47 in section 403.19.

48 (12) The aggregate assessed value of the taxable
49 property in the urban renewal area, as shown on the
50 assessment roll used to calculate the amount of taxes

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1 under section 403.19, subsection 1, for the fiscal
2 year.

3 (13) The aggregate assessed value of each
4 classification of taxable property located in the urban

5 renewal area.
6 (14) That portion of the assessed value of all
7 taxable property located in the urban renewal area that
8 was used to calculate the amount of excess taxes under
9 section 403.19, subsection 2.
10 (15) The amount of taxes determined under section
11 403.19, subsection 2, in excess of the amount required
12 to pay the applicable loans, advances, indebtedness,
13 and bonds, if any, and interest thereon, for the fiscal
14 year that was paid into the funds for the respective
15 taxing districts in the same manner as taxes on all
16 other property.
17 (16) Interest or earnings received by each urban
18 renewal area during the fiscal year on amounts
19 deposited into the special fund created in section
20 403.19 and the net proceeds during the fiscal year from
21 the sale of assets purchased using amounts deposited
22 into the special fund created in section 403.19.
23 (17) For each taxing district for which the
24 city divided taxes, the amount of taxes determined
25 under section 403.19, subsection 2, that, in lieu of
26 allocation to the taxing district, were deposited into
27 the city's special fund during the fiscal year.
28 (18) The amount of expenditures by the city during
29 the fiscal year for the purpose of providing or aiding
30 in the provision of public improvements related to
31 housing and residential development.
32 (19) The amount and types of assistance to low and
33 moderate income housing provided by the city under
34 section 403.22 during the fiscal year if applicable.
35 (20) All other additional information or
36 documentation relating to a city's urban renewal
37 activities or use of divisions of revenue under chapter
38 403 deemed relevant by the department of management, in
39 consultation with the city finance committee.
40 c. By December 1, 2012, the department of
41 management, in collaboration with the legislative
42 services agency, shall make publicly available on
43 an internet site a searchable database of all such
44 information contained in the reports required under
45 this subsection. Reports from previous years shall be
46 retained by the department and shall continue to be
47 available and searchable on the internet site.
48 d. For purposes of this subsection, "indebtedness"
49 includes but is not limited to written agreements
50 whereby the city agrees to exempt, rebate, refund, or

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1 reimburse property taxes, provide a grant for property
2 taxes paid, or make a direct payment of taxes, with
3 moneys in the special fund created in section 403.19.

4 and bonds, notes, or other obligations that are secured
5 by or subject to repayment from moneys appropriated by
6 the city from moneys in the special fund created in
7 section 403.19.

8 3. The annual financial report shall be prepared on
9 forms and pursuant to instructions prescribed by the
10 auditor of state and shall be filed with the auditor
11 of state. The urban renewal report shall be filed
12 with the department of management. Each report must
13 be filed prior to the publication and adoption of
14 the city budget under section 384.16 for the fiscal
15 year beginning July 1 following the date such reports
16 are due. If such reports are not filed pursuant to
17 the requirements of this section, the department of
18 management shall not certify the city's taxes back to
19 the county auditor under section 24.17.

20 Sec. 11. Section 403.5, subsection 2, paragraph b,
21 Code 2011, is amended to read as follows:

22 b. (1) Prior to its approval of an urban renewal
23 plan which provides for a division of revenue pursuant
24 to section 403.19, the municipality shall mail the
25 proposed plan by regular mail to the affected taxing
26 entities. The municipality shall include with the
27 proposed plan notification of a consultation to be held
28 between the municipality and affected taxing entities
29 prior to the public hearing on the urban renewal
30 plan. If the proposed urban renewal plan or proposed
31 urban renewal project within the urban renewal area
32 includes the use of taxes resulting from a division of
33 revenue under section 403.19 for a public building,
34 including but not limited to a police station, fire
35 station, administration building, swimming pool,
36 hospital, library, recreational building, city hall,
37 or other public building that is exempt from taxation,
38 including the grounds of, and the erection, equipment,
39 remodeling, or reconstruction of, and additions or
40 extensions to, such a building, the municipality shall
41 include with the proposed plan notification an analysis
42 of alternative development options and funding for the
43 urban renewal area or urban renewal project and the
44 reasons such options would be less feasible than the
45 proposed urban renewal plan or proposed urban renewal
46 project. A copy of the analysis required in this
47 subparagraph shall be included with the urban renewal
48 report required under section 331.403 or 384.22, as
49 applicable, and filed by December 1 following adoption
50 of the urban renewal plan or project.

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1 (2) Each affected taxing entity may appoint a
2 representative to attend the consultation. The
3 consultation may include a discussion of the estimated
4 growth in valuation of taxable property included in
5 the proposed urban renewal area, the fiscal impact
6 of the division of revenue on the affected taxing
7 entities, the estimated impact on the provision of
8 services by each of the affected taxing entities in the
9 proposed urban renewal area, and the duration of any
10 bond issuance included in the plan. The designated
11 representative of the affected taxing entity may
12 make written recommendations for modification to
13 the proposed division of revenue no later than seven
14 days following the date of the consultation. The
15 representative of the municipality shall, no later
16 than seven days prior to the public hearing on the
17 urban renewal plan, submit a written response to the
18 affected taxing entity addressing the recommendations
19 for modification to the proposed division of revenue.

20 Sec. 12. Section 403.5, subsection 5, Code 2011, is
21 amended to read as follows:

22 5. a. ~~An~~ Except as otherwise provided in this
23 subsection, an urban renewal plan may be modified at
24 any time: ~~Provided, that if.~~ However, if the urban
25 renewal plan is modified after the lease or sale by
26 the municipality of real property in the urban renewal
27 project area, such modification may be conditioned upon
28 such approval of the owner, lessee, or successor in
29 interest as the municipality may deem advisable, and in
30 any event such modification shall be subject to such
31 rights at law or in equity as a lessee or purchaser, or
32 a lessee's or purchaser's successor or successors in
33 interest, may be entitled to assert.

34 b. A municipality shall not approve an urban
35 renewal project for an urban renewal area unless the
36 governing body has amended or modified the adopted
37 urban renewal plan to include the urban renewal
38 project.

39 c. The municipality shall comply with the
40 notification, and consultation, and hearing process
41 provided in this section prior to the approval of any
42 amendment or modification to an adopted urban renewal
43 plan if such amendment or modification provides for
44 refunding bonds or refinancing resulting in an increase
45 in debt service or provides for the issuance of bonds
46 or other indebtedness, to be funded primarily in the
47 manner provided in section 403.19, or if such amendment
48 or modification provides for the inclusion and approval
49 of an urban renewal project under paragraph "b".

50 d. Once determined to be a blighted area, a

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1 slum area, or an economic development area by a
2 municipality, an urban renewal area shall not be
3 redetermined by the municipality throughout the
4 duration of the urban renewal area.

5 Sec. 13. Section 403.17, subsection 1, Code 2011,
6 is amended to read as follows:

7 1. "Affected taxing entity" means a city, ~~community~~
8 ~~college~~, county, or school district which levied or
9 certified for levy a property tax on any portion of the
10 taxable property located within the urban renewal area
11 in the fiscal year beginning prior to the calendar year
12 in which a proposed urban renewal plan is submitted to
13 the local governing body for approval.

14 Sec. 14. Section 403.19, subsection 1, Code
15 Supplement 2011, is amended by adding the following new
16 paragraph:

17 NEW PARAGRAPH. d. Notwithstanding any provision
18 of this chapter to the contrary, an ordinance adopted
19 on or after the effective date of this Act that
20 provides for a division of revenue under this section
21 for an urban renewal area containing wind energy
22 conversion property as defined in section 427B.26
23 shall be limited in duration to ten years following
24 adoption of the ordinance. Revenue divided in an
25 urban renewal area described in this paragraph shall
26 only be used by the municipality for the construction,
27 reconstruction, improvement, repair, or equipping of
28 bridges, roads, and culverts under the jurisdiction of
29 the municipality.

30 Sec. 15. Section 403.19, subsection 6, paragraph
31 a, subparagraph (1), Code Supplement 2011, is amended
32 to read as follows:

33 (1) A municipality shall certify to the county
34 auditor on or before December 1 the amount of loans,
35 advances, indebtedness, or bonds, including interest
36 negotiated on such loans, advances, indebtedness,
37 or bonds, which qualify for payment from the special
38 fund referred to in subsection 2, for each urban
39 renewal area in the municipality, and the filing of
40 the certificate shall make it a duty of the auditor to
41 provide for the division of taxes in each subsequent
42 year without further certification, except as provided
43 in paragraphs "b" and "c", until the amount of the
44 loans, advances, indebtedness, or bonds is paid to the
45 special fund. Such certification shall include all
46 amounts which qualify for payment from the special fund
47 referred to in subsection 2 during the next fiscal
48 year and all amounts which qualify for payment from
49 the special fund in any subsequent fiscal year. If
50 any loans, advances, indebtedness, or bonds are issued

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1 which qualify for payment from the special fund and
2 which are in addition to amounts already certified,
3 the municipality shall certify the amount of the
4 additional obligations on or before December 1 of the
5 year such obligations were issued, and the filing of
6 the certificate shall make it a duty of the auditor to
7 provide for the division of taxes in each subsequent
8 year without further certification, except as provided
9 in paragraphs “b” and “c”, until the amount of the
10 loans, advances, indebtedness, or bonds is paid to the
11 special fund. Any subsequent certifications under
12 this subsection shall not include amounts previously
13 certified.

14 Sec. 16. Section 403.19, subsection 6, Code
15 Supplement 2011, is amended by adding the following new
16 paragraph:

17 NEW PARAGRAPH. d. For purposes of this section,
18 “indebtedness” includes but is not limited to written
19 agreements whereby the municipality agrees to exempt,
20 rebate, refund, or reimburse property taxes, provide a
21 grant for property taxes paid, or make a direct payment
22 of taxes, with moneys in the special fund referred to
23 in subsection 2, and bonds, notes, or other obligations
24 that are secured by or subject to payment from moneys
25 appropriated by the municipality from moneys in the
26 special fund referred to in subsection 2.

27 Sec. 17. Section 403.19, Code Supplement 2011, is
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 9. a. Moneys from any source
30 deposited into the special fund created in this
31 section shall not be expended for or otherwise used in
32 connection with an urban renewal project approved on or
33 after the effective date of this Act that includes the
34 relocation of a commercial or industrial enterprise not
35 presently located within the municipality, unless one
36 of the following occurs:

37 (1) The local governing body of the municipality
38 where the commercial or industrial enterprise is
39 currently located and the local governing body of
40 the municipality where the commercial or industrial
41 enterprise is proposing to relocate have either entered
42 into a written agreement concerning the relocation of
43 the commercial or industrial enterprise or have entered
44 into a written agreement concerning the general use of
45 economic incentives to attract commercial or industrial
46 development within those municipalities.

47 (2) The local governing body of the municipality
48 where the commercial or industrial enterprise is
49 proposing to relocate finds that the use of deposits
50 into the special fund for an urban renewal project that

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1 includes such a relocation is in the public interest.
2 A local governing body's finding that an urban renewal
3 project that includes a commercial or industrial
4 enterprise relocation is in the public interest shall
5 include written verification from the commercial or
6 industrial enterprise that the enterprise is actively
7 considering moving all or a part of its operations to a
8 location outside the state and a specific finding that
9 such an out-of-state move would result in a significant
10 reduction in either the enterprise's total employment
11 in the state or in the total amount of wages earned by
12 employees of the enterprise in the state.

13 b. For the purposes of this subsection,
14 "relocation" means the closure or substantial reduction
15 of an enterprise's existing operations in one area of
16 the state and the initiation of substantially the same
17 operation in the same county or a contiguous county
18 in the state. This subsection does not prohibit an
19 enterprise from expanding its operations in another
20 area of the state provided that existing operations
21 of a similar nature are not closed or substantially
22 reduced.

23 Sec. 18. Section 403.19, Code Supplement 2011, is
24 amended by adding the following new subsection:

25 NEW SUBSECTION. 10. a. Interest or earnings
26 received on amounts deposited into the special fund
27 created in this section and the net proceeds from the
28 sale of assets purchased using amounts deposited into
29 the special fund created in this section shall be
30 credited to the special fund and shall be used solely
31 for the purposes specified in this section.

32 b. Moneys in the special fund created in this
33 section shall not be transferred to another fund of the
34 municipality except for the payment of loans, advances,
35 indebtedness, or bonds that qualify for payment from
36 the special fund.

37 Sec. 19. NEW SECTION. 403.23 Audit — certificate
38 of compliance.

39 1. Each municipality that has established an
40 urban renewal area that utilizes, or plans to
41 utilize, revenues from the special fund created in
42 section 403.19, shall make an annual certification of
43 compliance with this section. For any year in which
44 the municipality is audited in accordance with section
45 11.6, such certification shall be audited as part of
46 the municipality's audit.

47 2. The certification required under this section
48 shall include such information or documentation deemed
49 appropriate by the auditor of state including but not
50 limited to the information required to be reported

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1 under section 331.403, subsection 3, or section 384.22,
2 subsection 2, as applicable.

3 3. The auditor of state shall adopt rules necessary
4 to implement this section.

5 Sec. 20. Section 423B.10, subsection 2, Code 2011,
6 is amended to read as follows:

7 2. a. ~~An~~ Upon approval by the board of supervisors
8 of each applicable county pursuant to paragraph
9 “b”, an eligible city may by ordinance of the city
10 council provide for the use of a designated amount of
11 the increased local sales and services tax revenues
12 collected under this chapter which are attributable
13 to retail establishments in an urban renewal area to
14 fund urban renewal projects located in the area. The
15 designated amount may be all or a portion of such
16 increased revenues.

17 b. A city shall not adopt an ordinance under
18 paragraph “a” unless the board of supervisors of
19 each county where the urban renewal area from which
20 such local sales and services tax revenues are to be
21 collected and used to fund urban renewal projects
22 is located first adopts a resolution approving the
23 collection and use of such local sales and services tax
24 revenues.

25 Sec. 21. IMPLEMENTATION OF ACT. Section 25B.2,
26 subsection 3, shall not apply to this Act.

27 Sec. 22. APPLICABILITY. The provisions of this
28 Act prohibiting the department of management from
29 certifying taxes back to the county auditor under
30 section 24.17 if a county, under section 331.403,
31 subsection 4, or a city, under section 384.22,
32 subsection 3, fails to meet the reporting requirements
33 of sections 331.403 and 384.22, as applicable, or the
34 provision of this Act requiring that incremental taxes
35 be withheld from payment to a rural improvement zone if
36 the rural improvement zone fails to meet the reporting
37 requirement of section 357H.9, subsection 2, shall not
38 apply to the report required to be filed on or before
39 December 1, 2012.

40 Sec. 23. APPLICABILITY. The section of this Act
41 amending section 423B.10 applies to city ordinances
42 adopted under section 423B.10 on or after the effective
43 date of this Act.>

44 2. Title page, by striking lines 1 through 5 and
45 inserting <An Act relating to Iowa’s urban renewal law
46 and incremental taxes by modifying provisions relating
47 to divisions of revenue, modifying provisions relating
48 to the approval of urban renewal plans and projects and
49 approval of the use of certain local sales and services
50 tax revenue, requiring certain reporting and auditing,

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1 and including applicability provisions.>

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Chair

S-5221

HOUSE AMENDMENT TO
SENATE FILE 2336

1 Amend Senate File 2336, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I
6 DEPARTMENT ON AGING

7 Section 1. 2011 Iowa Acts, chapter 129, section
8 113, is amended to read as follows:

9 SEC. 113. DEPARTMENT ON AGING. There is
10 appropriated from the general fund of the state to
11 the department on aging for the fiscal year beginning
12 July 1, 2012, and ending June 30, 2013, the following
13 amount, or so much thereof as is necessary, to be used
14 for the purposes designated:

15 For aging programs for the department on aging and
16 area agencies on aging to provide citizens of Iowa who
17 are 60 years of age and older with case management for
18 frail elders, Iowa's aging and disabilities resource
19 center, and other services which may include but are
20 not limited to adult day services, respite care, chore
21 services, information and assistance, and material aid,
22 for information and options counseling for persons with
23 disabilities who are 18 years of age or older, and
24 for salaries, support, administration, maintenance,
25 and miscellaneous purposes, and for not more than the
26 following full-time equivalent positions:

27	\$	<u>5,151,288</u>
28		<u>10,242,086</u>
29	FTEs	35.00

30 1. Funds appropriated in this section may be used
31 to supplement federal funds under federal regulations.
32 To receive funds appropriated in this section, a local
33 area agency on aging shall match the funds with moneys
34 from other sources according to rules adopted by the
35 department. Funds appropriated in this section may be
36 used for elderly services not specifically enumerated
37 in this section only if approved by an area agency on
38 aging for provision of the service within the area.

39 ~~2. The amount appropriated in this section includes~~
40 ~~additional funding of \$225,000 for delivery of~~

41 ~~long term care services to seniors with low or moderate~~
 42 ~~incomes.~~

43 3. Of the funds appropriated in this section,
 44 ~~\$89,973~~ \$179,946 shall be transferred to the department
 45 of economic development for the Iowa commission on
 46 volunteer services to be used for the retired and
 47 senior volunteer program.

48 4. a. The department on aging shall establish and
 49 enforce procedures relating to expenditure of state and
 50 federal funds by area agencies on aging that require

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1 compliance with both state and federal laws, rules, and
 2 regulations, including but not limited to all of the
 3 following:

4 (1) Requiring that expenditures are incurred only
 5 for goods or services received or performed prior to
 6 the end of the fiscal period designated for use of the
 7 funds.

8 (2) Prohibiting prepayment for goods or services
 9 not received or performed prior to the end of the
 10 fiscal period designated for use of the funds.

11 (3) Prohibiting the prepayment for goods or
 12 services not defined specifically by good or service,
 13 time period, or recipient.

14 (4) Prohibiting the establishment of accounts from
 15 which future goods or services which are not defined
 16 specifically by good or service, time period, or
 17 recipient, may be purchased.

18 b. The procedures shall provide that if any funds
 19 are expended in a manner that is not in compliance with
 20 the procedures and applicable federal and state laws,
 21 rules, and regulations, and are subsequently subject
 22 to repayment, the area agency on aging expending such
 23 funds in contravention of such procedures, laws, rules
 24 and regulations, not the state, shall be liable for
 25 such repayment.

26 5. The department shall develop recommendations
 27 for an implementation schedule, including funding
 28 projections, for the substitute decision maker program
 29 created pursuant to chapter 231E, and shall submit the
 30 recommendations to the individuals identified in this
 31 Act for submission of reports by December 15, 2012.

32 6. The amount appropriated in this section reflects
 33 a reduction in expenditures for office supplies,
 34 purchases of equipment, office equipment, printing and
 35 binding, and marketing, that shall be applied equitably
 36 to the programs under the purview of the department.

DIVISION II

DEPARTMENT OF PUBLIC HEALTH

37
 38 Sec. 2. 2011 Iowa Acts, chapter 129, section 114,
 39

40 is amended to read as follows:

41 SEC. 114. DEPARTMENT OF PUBLIC HEALTH. There is
42 appropriated from the general fund of the state to
43 the department of public health for the fiscal year
44 beginning July 1, 2012, and ending June 30, 2013, the
45 following amounts, or so much thereof as is necessary,
46 to be used for the purposes designated:

47 1. ADDICTIVE DISORDERS

48 For reducing the prevalence of use of tobacco,
49 alcohol, and other drugs, and treating individuals
50 affected by addictive behaviors, including gambling,

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1 and for not more than the following full-time
2 equivalent positions:

3	\$	11,751,595
4		23,463,690
5	FTEs	13.00

6 a. (1) Of the funds appropriated in this
7 subsection, ~~\$1,626,915~~ \$3,253,830 shall be used for
8 the tobacco use prevention and control initiative,
9 including efforts at the state and local levels, as
10 provided in chapter 142A. The commission on tobacco
11 use prevention and control established pursuant to
12 section 142A.3 shall advise the director of public
13 health in prioritizing funding needs and the allocation
14 of moneys appropriated for the programs and activities
15 of the initiative under this subparagraph (1) and shall
16 make recommendations to the director in the development
17 of budget requests relating to the initiative. Of the
18 funds allocated in this subparagraph (1), \$750,000
19 shall be used for support of Quitline Iowa.

20 (2) (a) Of the funds allocated in this paragraph
21 "a", ~~\$226,915~~ \$453,830 shall be transferred to the
22 alcoholic beverages division of the department of
23 commerce for enforcement of tobacco laws, regulations,
24 and ordinances in accordance with 2011 Iowa Acts, ~~House~~
25 ~~File 467, as enacted chapter 63.~~

26 (b) For the fiscal year beginning July 1, 2012,
27 and ending June 30, 2013, the terms of a chapter
28 28D agreement, entered into between the division of
29 tobacco use prevention and control of the department
30 of public health and the alcoholic beverages division
31 of the department of commerce, governing compliance
32 checks conducted to ensure licensed retail tobacco
33 outlet conformity with tobacco laws, regulations, and
34 ordinances relating to persons under eighteen years of
35 age, shall restrict the number of such checks to one
36 check per retail outlet, and one additional check for
37 any retail outlet found to be in violation during the
38 first check.

39 b. Of the funds appropriated in this subsection,
 40 ~~\$10,124,680~~ \$20,249,360 shall be used for problem
 41 gambling and substance abuse prevention, treatment,
 42 and recovery services, including a 24-hour helpline,
 43 public information resources, professional training,
 44 and program evaluation.

45 (1) Of the funds allocated in this paragraph "b",
 46 ~~\$8,566,254~~ \$17,132,508 shall be used for substance
 47 abuse prevention and treatment.

48 (a) Of the funds allocated in this subparagraph
 49 (1), ~~\$449,650~~ \$899,300 shall be used for the public
 50 purpose of a grant program to provide substance abuse

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1 prevention programming for children.

2 (i) Of the funds allocated in this subparagraph
 3 division (a), ~~\$213,769~~ \$427,539 shall be used for grant
 4 funding for organizations that provide programming for
 5 children by utilizing mentors. Programs approved for
 6 such grants shall be certified or will be certified
 7 within six months of receiving the grant award by the
 8 Iowa commission on volunteer services as utilizing
 9 the standards for effective practice for mentoring
 10 programs.

11 (ii) Of the funds allocated in this subparagraph
 12 division (a), ~~\$213,419~~ \$426,839 shall be used for grant
 13 funding for organizations that provide programming
 14 that includes youth development and leadership. The
 15 programs shall also be recognized as being programs
 16 that are scientifically based with evidence of their
 17 effectiveness in reducing substance abuse in children.

18 (iii) The department of public health shall utilize
 19 a request for proposals process to implement the grant
 20 program.

21 (iv) All grant recipients shall participate in a
 22 program evaluation as a requirement for receiving grant
 23 funds.

24 (v) Of the funds allocated in this subparagraph
 25 division (a), up to ~~\$22,461~~ \$44,922 may be used to
 26 administer substance abuse prevention grants and for
 27 program evaluations.

28 (b) Of the funds allocated in this subparagraph
 29 (1), ~~\$136,531~~ \$273,062 shall be used for culturally
 30 competent substance abuse treatment pilot projects.

31 (i) The department shall utilize the amount
 32 allocated in this subparagraph division (b) for at
 33 least three pilot projects to provide culturally
 34 competent substance abuse treatment in various areas
 35 of the state. Each pilot project shall target a
 36 particular ethnic minority population. The populations
 37 targeted shall include but are not limited to African

38 American, Asian, and Latino.

39 (ii) The pilot project requirements shall provide
40 for documentation or other means to ensure access
41 to the cultural competence approach used by a pilot
42 project so that such approach can be replicated and
43 improved upon in successor programs.

44 (2) Of the funds allocated in this paragraph "b",
45 up to ~~\$1,558,426~~ \$3,116,852 may be used for problem
46 gambling prevention, treatment, and recovery services.

47 (a) Of the funds allocated in this subparagraph
48 (2), ~~\$1,289,500~~ \$2,579,000 shall be used for problem
49 gambling prevention and treatment.

50 (b) Of the funds allocated in this subparagraph

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1 (2), up to ~~\$218,926~~ \$437,852 may be used for a 24-hour
2 helpline, public information resources, professional
3 training, and program evaluation.

4 (c) Of the funds allocated in this subparagraph
5 (2), up to ~~\$50,000~~ \$100,000 may be used for the
6 licensing of problem gambling treatment programs.

7 (3) It is the intent of the general assembly that
8 from the moneys allocated in this paragraph "b",
9 persons with a dual diagnosis of substance abuse
10 and gambling addictions shall be given priority in
11 treatment services.

12 c. Notwithstanding any provision of law to the
13 contrary, to standardize the availability, delivery,
14 cost of delivery, and accountability of problem
15 gambling and substance abuse treatment services
16 statewide, the department shall continue implementation
17 of a process to create a system for delivery of
18 treatment services in accordance with the requirements
19 specified in 2008 Iowa Acts, chapter 1187, section
20 3, subsection 4. To ensure the system provides a
21 continuum of treatment services that best meets the
22 needs of Iowans, the problem gambling and substance
23 abuse treatment services in any area may be provided
24 either by a single agency or by separate agencies
25 submitting a joint proposal.

26 (1) The system for delivery of substance abuse
27 and problem gambling treatment shall include problem
28 gambling prevention.

29 (2) The system for delivery of substance abuse and
30 problem gambling treatment shall include substance
31 abuse prevention by July 1, 2014.

32 (3) Of the funds allocated in paragraph "b",
33 the department may use up to ~~\$50,000~~ \$100,000 for
34 administrative costs to continue developing and
35 implementing the process in accordance with this
36 paragraph "c".

37 d. The requirement of section 123.53, subsection
38 5, is met by the appropriations and allocations made
39 in this Act for purposes of substance abuse treatment
40 and addictive disorders for the fiscal year beginning
41 July 1, 2012.

42 e. The department of public health shall work
43 with all other departments that fund substance
44 abuse prevention and treatment services and all
45 such departments shall, to the extent necessary,
46 collectively meet the state maintenance of effort
47 requirements for expenditures for substance abuse
48 services as required under the federal substance abuse
49 prevention and treatment block grant.

50 f. The department shall amend or otherwise

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1 revise departmental policies and contract provisions
2 in order to eliminate free t-shirt distribution,
3 banner production, and other unnecessary promotional
4 expenditures.

5 g. The amount appropriated in this subsection
6 reflects a reduction in expenditures for office
7 supplies, purchases of equipment, office equipment,
8 printing and binding, and marketing, that shall
9 be applied equitably to the programs under this
10 subsection.

11 2. HEALTHY CHILDREN AND FAMILIES

12 For promoting the optimum health status for
13 children, adolescents from birth through 21 years of
14 age, and families, and for not more than the following
15 full-time equivalent positions:

16	\$	1,297,135
17		2,578,559
18	FTEs	10.00

19 a. Of the funds appropriated in this subsection,
20 not more than ~~\$360,659~~ \$739,318 shall be used for
21 the healthy opportunities to experience success
22 (HOPES)-healthy families Iowa (HFI) program established
23 pursuant to section 135.106. The funding shall be
24 distributed to renew the grants that were provided
25 to the grantees that operated the program during the
26 fiscal year ending June 30, 2012.

27 Ob. (1) In order to implement the legislative
28 intent stated in sections 135.106 and 256I.9, that
29 priority for home visitation program funding be given
30 to programs using evidence-based or promising models
31 for home visitation, it is the intent of the general
32 assembly to phase-in the funding priority as follows:

33 (a) By July 1, 2013, 25 percent of state
34 funds expended for home visiting programs are for
35 evidence-based or promising program models.

- 36 (b) By July 1, 2014, 50 percent of state
37 funds expended for home visiting programs are for
38 evidence-based or promising program models.
39 (c) By July 1, 2015, 75 percent of state
40 funds expended for home visiting programs are for
41 evidence-based or promising program models.
42 (d) By July 1, 2016, 90 percent of state
43 funds expended for home visiting programs are for
44 evidence-based or promising program models. The
45 remaining 10 percent of funds may be used for
46 innovative program models that do not yet meet the
47 definition of evidence-based or promising programs.
48 (2) For the purposes of this lettered paragraph,
49 unless the context otherwise requires:
50 (a) "Evidence-based program" means a program that

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- 1 is based on scientific evidence demonstrating that
2 the program model is effective. An evidence-based
3 program shall be reviewed onsite and compared to
4 program model standards by the model developer or the
5 developer's designee at least every five years to
6 ensure that the program continues to maintain fidelity
7 with the program model. The program model shall have
8 had demonstrated significant and sustained positive
9 outcomes in an evaluation utilizing a well-designed and
10 rigorous randomized controlled research design or a
11 quasi-experimental research design, and the evaluation
12 results shall have been published in a peer-reviewed
13 journal.
14 (b) "Family support programs" includes group-based
15 parent education or home visiting programs that are
16 designed to strengthen protective factors, including
17 parenting skills, increasing parental knowledge of
18 child development, and increasing family functioning
19 and problem solving skills. A family support program
20 may be used as an early intervention strategy to
21 improve birth outcomes, parental knowledge, family
22 economic success, the home learning environment, family
23 and child involvement with others, and coordination
24 with other community resources. A family support
25 program may have a specific focus on preventing child
26 maltreatment or ensuring children are safe, healthy,
27 and ready to succeed in school.
28 (c) "Promising program" means a program that meets
29 all of the following requirements:
30 (i) The program conforms to a clear, consistent
31 family support model that has been in existence for at
32 least three years.
33 (ii) The program is grounded in relevant
34 empirically-based knowledge.

35 (iii) The program is linked to program-determined
36 outcomes.
37 (iv) The program is associated with a national
38 or state organization that either has comprehensive
39 program standards that ensure high-quality service
40 delivery and continuous program quality improvement
41 or the program model has demonstrated through the
42 program's benchmark outcomes that the program has
43 achieved significant positive outcomes equivalent
44 to those achieved by program models with published
45 significant and sustained results in a peer-reviewed
46 journal.
47 (v) The program has been awarded the Iowa family
48 support credential and has been reviewed onsite
49 at least every five years to ensure the program's
50 adherence to the Iowa family support standards approved

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1 by the early childhood Iowa state board created in
2 section 256I.3 or a comparable set of standards. The
3 onsite review is completed by an independent review
4 team that is not associated with the program or the
5 organization administering the program.
6 (3) (a) The data reporting requirements applicable
7 to the HOPES-HFI program services shall include the
8 requirements adopted by the early childhood Iowa state
9 board pursuant to section 256I.4 for the family support
10 programs targeted to families expecting a child or
11 with newborn and infant children through age five and
12 funded through the state board. The department of
13 public health may specify additional data reporting
14 requirements for the HOPES-HFI program services.
15 The HOPES-HFI program services shall be required to
16 participate in a state administered internet-based
17 data collection system by July 1, 2013. The annual
18 reporting concerning the HOPES-HFI program services
19 shall include program outcomes beginning with the 2015
20 report.
21 (b) The data on families served that is collected
22 by the HOPES-HFI program shall include but is not
23 limited to basic demographic information, services
24 received, funding utilized, and program outcomes for
25 the children and families served.
26 (c) The HOPES-HFI program shall work with the early
27 childhood Iowa state board in the state board's efforts
28 to identify minimum competency standards for the
29 employees and supervisors of family support programs
30 funded. The HOPES-HFI program, along with the state
31 board, shall submit recommendations concerning the
32 standards to the governor and general assembly on or
33 before January 1, 2014.

34 (d) On or before January 1, 2013, the HOPES-HFI
 35 program shall adopt criminal and child abuse record
 36 check requirements for the employees and supervisors of
 37 family support programs funded through the program.

38 (e) The HOPES-HFI program shall work with the early
 39 childhood Iowa state board in the state board's efforts
 40 to develop a plan to implement a coordinated intake and
 41 referral process for publicly funded family support
 42 programs in order to engage the families expecting a
 43 child or with newborn and infant children through age
 44 five in all communities in the state by July 1, 2015.

45 b. Of the funds appropriated in this subsection,
 46 ~~\$164,042~~ \$329,885 shall be used to continue to address
 47 the healthy mental development of children from birth
 48 through five years of age through local evidence-based
 49 strategies that engage both the public and private
 50 sectors in promoting healthy development, prevention,

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1 and treatment for children. The department shall work
 2 with the department of human services, Iowa Medicaid
 3 enterprise, to develop a plan to secure matching
 4 medical assistance program funding to provide services
 5 under this paragraph, which may include a per member
 6 per month payment to reimburse the care coordination
 7 and community outreach services component that links
 8 young children and their families with identified
 9 service needs.

10 c. Of the funds appropriated in this subsection,
 11 ~~\$15,798~~ \$31,597 shall be distributed to a statewide
 12 dental carrier to provide funds to continue the donated
 13 dental services program patterned after the projects
 14 developed by the lifeline network to provide dental
 15 services to indigent elderly and disabled individuals.

16 d. Of the funds appropriated in this subsection,
 17 ~~\$56,328~~ \$112,677 shall be used for childhood obesity
 18 prevention.

19 e. Of the funds appropriated in this subsection,
 20 ~~\$81,880~~ \$163,760 shall be used to provide audiological
 21 services and hearing aids for children. The department
 22 may enter into a contract to administer this paragraph.

23 f. The amount appropriated in this subsection
 24 reflects a reduction in expenditures for office
 25 supplies, purchases of equipment, office equipment,
 26 printing and binding, and marketing, that shall
 27 be applied equitably to the programs under this
 28 subsection.

29 3. CHRONIC CONDITIONS

30 For serving individuals identified as having chronic
 31 conditions or special health care needs, and for not
 32 more than the following full-time equivalent positions:

33	.....	\$	1,680,828
34			<u>3,424,366</u>
35	.....	FTEs	4.00
36	a. Of the funds appropriated in this subsection,		
37	\$80,201 <u>\$160,582</u> shall be used for grants to individual		
38	patients who have phenylketonuria (PKU) to assist with		
39	the costs of necessary special foods.		
40	b. Of the funds appropriated in this subsection,		
41	\$241,800 <u>\$483,600</u> is allocated for continuation of		
42	the contracts for resource facilitator services in		
43	accordance with section 135.22B, subsection 9, and		
44	for brain injury training services and recruiting of		
45	service providers to increase the capacity within this		
46	state to address the needs of individuals with brain		
47	injuries and such individuals' families.		
48	c. Of the funds appropriated in this subsection,		
49	\$240,437 <u>\$498,874</u> shall be used as additional funding		
50	to leverage federal funding through the federal Ryan		

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- 1 White Care Act, Tit. II, AIDS drug assistance program
- 2 supplemental drug treatment grants.
- 3 d. Of the funds appropriated in this subsection,
- 4 ~~\$15,627~~ \$50,000 shall be used for the public purpose of
- 5 providing a grant to an existing national-affiliated
- 6 organization to provide education, client-centered
- 7 programs, and client and family support for people
- 8 living with epilepsy and their families.
- 9 e. Of the funds appropriated in this subsection,
- 10 ~~\$394,151~~ \$788,303 shall be used for child health
- 11 specialty clinics.
- 12 f. Of the funds appropriated in this subsection,
- 13 ~~\$248,533~~ \$497,065 shall be used for the comprehensive
- 14 cancer control program to reduce the burden of cancer
- 15 in Iowa through prevention, early detection, effective
- 16 treatment, and ensuring quality of life. Of the funds
- 17 allocated in this lettered paragraph, ~~\$75,000~~ \$250,000
- 18 shall be used to support a melanoma research symposium,
- 19 a melanoma biorepository and registry, basic and
- 20 translational melanoma research, and clinical trials.
- 21 g. Of the funds appropriated in this subsection,
- 22 ~~\$63,225~~ \$126,450 shall be used for cervical and colon
- 23 cancer screening.
- 24 h. Of the funds appropriated in this subsection,
- 25 ~~\$264,417~~ \$528,834 shall be used for the center for
- 26 congenital and inherited disorders.
- 27 i. Of the funds appropriated in this subsection,
- 28 ~~\$64,968~~ \$100,000 shall be used for the prescription
- 29 drug donation repository program created in chapter
- 30 135M.
- 31 j. No later than December 15, 2012, the department

32 of public health, in collaboration with the department
33 of education and other interested parties, shall
34 develop training guidelines for the management of
35 chronic conditions that affect children to be made
36 available to public schools and accredited nonpublic
37 schools throughout the state.

38 k. The amount appropriated in this subsection
39 reflects a reduction in expenditures for office
40 supplies, purchases of equipment, office equipment,
41 printing and binding, and marketing, that shall
42 be applied equitably to the programs under this
43 subsection.

44 4. COMMUNITY CAPACITY

45 For strengthening the health care delivery system at
46 the local level, and for not more than the following
47 full-time equivalent positions:

48	\$	<u>2,117,583</u>
49		<u>3,788,859</u>
50	FTEs	14.00

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1 a. Of the funds appropriated in this subsection,
2 ~~\$50,000~~ \$100,000 is allocated for a child vision
3 screening program implemented through the university of
4 Iowa hospitals and clinics in collaboration with early
5 childhood Iowa areas.

6 b. Of the funds appropriated in this subsection,
7 ~~\$55,654~~ \$111,308 is allocated for continuation of an
8 initiative implemented at the university of Iowa and
9 ~~\$50,246~~ \$100,493 is allocated for continuation of an
10 initiative at the state mental health institute at
11 Cherokee to expand and improve the workforce engaged in
12 mental health treatment and services. The initiatives
13 shall receive input from the university of Iowa, the
14 department of human services, the department of public
15 health, and the mental health and disability services
16 commission to address the focus of the initiatives.

17 c. Of the funds appropriated in this subsection,
18 ~~\$585,745~~ \$1,171,491 shall be used for essential public
19 health services that promote healthy aging throughout
20 the lifespan, contracted through a formula for local
21 boards of health, to enhance health promotion and
22 disease prevention services.

23 d. Of the funds appropriated in this section,
24 ~~\$60,908~~ \$100,000 shall be deposited in the governmental
25 public health system fund created in section 135A.8 to
26 be used for the purposes of the fund.

27 e. Of the funds appropriated in this subsection,
28 ~~\$72,271~~ \$144,542 shall be used for the mental health
29 professional shortage area program implemented pursuant
30 to section 135.80.

31 f. Of the funds appropriated in this subsection,
 32 ~~\$19,131~~ \$38,263 shall be used for a grant to a
 33 statewide association of psychologists that is
 34 affiliated with the American psychological association
 35 to be used for continuation of a program to rotate
 36 intern psychologists in placements in urban and rural
 37 mental health professional shortage areas, as defined
 38 in section ~~135.80~~ 135.180.

39 g. Of the funds appropriated in this subsection,
 40 the following amounts shall be allocated to the Iowa
 41 collaborative safety net provider network established
 42 pursuant to section 135.153 to be used for the purposes
 43 designated. The following amounts allocated under
 44 this lettered paragraph shall be distributed to
 45 the specified provider and shall not be reduced for
 46 administrative or other costs prior to distribution:

47 (1) For distribution to the Iowa primary care
 48 association for statewide coordination of the Iowa
 49 collaborative safety net provider network:
 50 \$ 66,200

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1 70,000
 2 (2) For distribution to the local boards of health
 3 that provide direct services for pilot programs in
 4 three counties to assist patients in determining an
 5 appropriate medical home:
 6 \$ 38,804
 7 77,609

8 (3) For distribution to maternal and child health
 9 centers for pilot programs in three counties to assist
 10 patients in determining an appropriate medical home:
 11 \$ 38,804
 12 77,609

13 (4) For distribution to free clinics for necessary
 14 infrastructure, statewide coordination, provider
 15 recruitment, service delivery, and provision of
 16 assistance to patients in determining an appropriate
 17 medical home:
 18 \$ 62,025
 19 124,050

20 (5) For distribution to rural health clinics for
 21 necessary infrastructure, statewide coordination,
 22 provider recruitment, service delivery, and provision
 23 of assistance to patients in determining an appropriate
 24 medical home:
 25 \$ 55,215
 26 110,430

27 (6) For continuation of the safety net provider
 28 patient access to specialty health care initiative as
 29 described in 2007 Iowa Acts, chapter 218, section 109:

30	.....	\$	130,000
31			<u>260,000</u>
32	(7) For continuation of the pharmaceutical		
33	infrastructure for safety net providers as described in		
34	2007 Iowa Acts, chapter 218, section 108:		
35	.....	\$	135,000
36			<u>270,000</u>
37	The Iowa collaborative safety net provider network		
38	may continue to distribute funds allocated pursuant to		
39	this lettered paragraph through existing contracts or		
40	renewal of existing contracts.		
41	h. (1) Of the funds appropriated in this		
42	subsection, \$74,500 shall be used for continued		
43	implementation of the recommendations of the direct		
44	care worker task force established pursuant to 2005		
45	Iowa Acts, chapter 88, based upon the report submitted		
46	to the governor and the general assembly in December		
47	2006. The department may use a portion of the funds		
48	allocated in this lettered paragraph for an additional		
49	position to assist in the continued implementation.		
50	i. (1) Of the funds appropriated in this		

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1 ~~subsection, \$65,050 shall be used for allocation~~
2 ~~to an independent statewide direct care worker~~
3 ~~association under a contract with terms determined by~~
4 ~~the director of public health relating to education,~~
5 ~~outreach, leadership development, mentoring, and other~~
6 ~~initiatives intended to enhance the recruitment and~~
7 ~~retention of direct care workers in health care and~~
8 ~~long term care settings.~~
9 ~~(2) Of the funds appropriated in this subsection,~~
10 ~~\$29,000 shall be used to provide scholarships or~~
11 ~~other forms of subsidization for direct care worker~~
12 ~~educational conferences, training, or outreach~~
13 ~~activities.~~
14 j. Of the funds appropriated in this subsection,
15 the department may use up to ~~\$29,250~~ \$58,518 for up to
16 one full-time equivalent position to administer the
17 volunteer health care provider program pursuant to
18 section 135.24.
19 k. Of the funds appropriated in this subsection,
20 ~~\$25,000~~ \$50,000 shall be used for a matching dental
21 education loan repayment program to be allocated to a
22 dental nonprofit health service corporation to develop
23 the criteria and implement the loan repayment program.
24 l. The amount appropriated in this subsection
25 reflects a reduction in expenditures for office
26 supplies, purchases of equipment, office equipment,
27 printing and binding, and marketing, that shall
28 be applied equitably to the programs under this

29 subsection.

30 5. HEALTHY AGING

31 To provide public health services that reduce risks
32 and invest in promoting and protecting good health over
33 the course of a lifetime with a priority given to older
34 Iowans and vulnerable populations:

35 \$ 3,648,571
36 7,297,142

37 a. Of the funds appropriated in this subsection,
38 ~~\$1,004,593~~ \$2,009,187 shall be used for local public
39 health nursing services.

40 b. Of the funds appropriated in this subsection,
41 ~~\$2,643,977~~ \$5,287,955 shall be used for home care aide
42 services.

43 6. ENVIRONMENTAL HAZARDS

44 For reducing the public's exposure to hazards in the
45 environment, primarily chemical hazards, and for not
46 more than the following full-time equivalent positions:

47 \$ 406,888
48 803,870
49 FTEs 4.00

50 a. Of the funds appropriated in this subsection,

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1 ~~\$272,188~~ \$544,377 shall be used for childhood lead
2 poisoning provisions.

3 b. The amount appropriated in this subsection
4 reflects a reduction in expenditures for office
5 supplies, purchases of equipment, office equipment,
6 printing and binding, and marketing, that shall
7 be applied equitably to the programs under this
8 subsection.

9 7. INFECTIOUS DISEASES

10 For reducing the incidence and prevalence of
11 communicable diseases, and for not more than the
12 following full-time equivalent positions:

13 \$ 672,923
14 1,335,155
15 FTEs 4.00

16 The amount appropriated in this subsection reflects
17 a reduction in expenditures for office supplies,
18 purchases of equipment, office equipment, printing and
19 binding, and marketing, that shall be applied equitably
20 to the programs under this subsection.

21 8. PUBLIC PROTECTION

22 For protecting the health and safety of the
23 public through establishing standards and enforcing
24 regulations, and for not more than the following
25 full-time equivalent positions:

26 \$ 1,388,116
27 2,693,384

28 FTEs 125.00
 29 a. Of the funds appropriated in this subsection,
 30 not more than ~~\$235,845~~ \$471,690 shall be credited to
 31 the emergency medical services fund created in section
 32 135.25. Moneys in the emergency medical services fund
 33 are appropriated to the department to be used for the
 34 purposes of the fund.
 35 b. Of the funds appropriated in this subsection,
 36 ~~\$105,309~~ \$210,619 shall be used for sexual violence
 37 prevention programming through a statewide organization
 38 representing programs serving victims of sexual
 39 violence through the department's sexual violence
 40 prevention program. The amount allocated in this
 41 lettered paragraph shall not be used to supplant
 42 funding administered for other sexual violence
 43 prevention or victims assistance programs.
 44 c. Of the funds appropriated in this subsection,
 45 not more than ~~\$218,291~~ \$539,477 shall be used for the
 46 state poison control center.
 47 d. Of the funds appropriated in this subsection,
 48 \$50,000 shall be used for implementation of 2012 Iowa
 49 Acts, Senate File 364, if enacted.
 50 e. The amount appropriated in this subsection

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1 reflects a reduction in expenditures for office
 2 supplies, purchases of equipment, office equipment,
 3 printing and binding, and marketing, that shall
 4 be applied equitably to the programs under this
 5 subsection.

6 9. RESOURCE MANAGEMENT

7 For establishing and sustaining the overall
 8 ability of the department to deliver services to the
 9 public, and for not more than the following full-time
 10 equivalent positions:

11 \$ 409,777
 12 734,500
 13 FTEs 7.00

14 The amount appropriated in this subsection reflects
 15 a reduction in expenditures for office supplies,
 16 purchases of equipment, office equipment, printing and
 17 binding, and marketing, that shall be applied equitably
 18 to the programs under this subsection.

19 The university of Iowa hospitals and clinics under
 20 the control of the state board of regents shall not
 21 receive indirect costs from the funds appropriated in
 22 this section. The university of Iowa hospitals and
 23 clinics billings to the department shall be on at least
 24 a quarterly basis.

25 The department shall review and make recommendations
 26 for consolidating or eliminating boards, commissions,

27 committees, councils, and other entities within
 28 the departmental organization and under the purview
 29 of the department to increase efficiencies and
 30 reduce duplication. The department shall submit its
 31 recommendations for consolidation or elimination to the
 32 individuals specified in this Act for submission of
 33 reports by December 15, 2012.

34 DIVISION III

35 DEPARTMENT OF VETERANS AFFAIRS

36 Sec. 3. 2011 Iowa Acts, chapter 129, section 115,
 37 is amended to read as follows:

38 SEC. 115. DEPARTMENT OF VETERANS AFFAIRS. There

39 is appropriated from the general fund of the state to
 40 the department of veterans affairs for the fiscal year
 41 beginning July 1, 2012, and ending June 30, 2013, the
 42 following amounts, or so much thereof as is necessary,
 43 to be used for the purposes designated:

44 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

45 For salaries, support, maintenance, and
 46 miscellaneous purposes, including the war orphans
 47 educational assistance fund created in section
 48 35.8, and for not more than the following full-time
 49 equivalent positions:

50 \$ 499,416

Page 16

1 1,025,819
 2 FTEs 16.34

3 The executive council shall consult with
 4 knowledgeable persons in reviewing the return on
 5 investment of the moneys in the veterans trust fund
 6 and shall submit findings and recommendations for
 7 improving the return to the individuals specified in
 8 this division of this Act for submission of reports by
 9 December 17, 2012.

10 2. IOWA VETERANS HOME

11 For salaries, support, maintenance, and
 12 miscellaneous purposes:

13 \$ 4,476,975
 14 8,775,714

15 a. The Iowa veterans home billings involving the
 16 department of human services shall be submitted to the
 17 department on at least a monthly basis.

18 b. If there is a change in the employer of
 19 employees providing services at the Iowa veterans home
 20 under a collective bargaining agreement, such employees
 21 and the agreement shall be continued by the successor
 22 employer as though there had not been a change in
 23 employer.

24 c. Within available resources and in conformance
 25 with associated state and federal program eligibility

26 requirements, the Iowa veterans home may implement
27 measures to provide financial assistance to or
28 on behalf of veterans or their spouses who are
29 participating in the community reentry program.

30 d. The Iowa veterans home expenditure report
31 shall be submitted monthly to the legislative services
32 agency.

33 e. The funds appropriated in this subsection
34 to the Iowa veterans home that remain available for
35 expenditure for the succeeding fiscal year pursuant to
36 section 35D.18, subsection 5, shall be distributed to
37 be used in the succeeding fiscal year in accordance
38 with this lettered paragraph. The first \$500,000 shall
39 remain available to be used for the purposes of the
40 Iowa veterans home. On or before October 15, 2013, the
41 department of management shall transfer the remaining
42 balance to the veterans trust fund created in section
43 35A.13.

44 f. The amount appropriated in this subsection
45 reflects a reduction in expenditures for office
46 supplies, purchases of equipment, office equipment,
47 printing and binding, and marketing, that shall
48 be applied equitably to the programs under this
49 subsection.

50 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF

Page 17

1 DECEASED VETERANS

2 For provision of educational assistance pursuant to
3 section 35.9:

4 \$ 6,208
5 12,416

6 4. HOME OWNERSHIP ASSISTANCE PROGRAM

7 For transfer to the Iowa finance authority for the
8 continuation of the home ownership assistance program
9 for persons who are or were eligible members of the
10 armed forces of the United States, pursuant to section
11 16.54:

12 \$ 1,600,000

13 Sec. 4. 2011 Iowa Acts, chapter 129, section 116,
14 is amended to read as follows:

15 SEC. 116. LIMITATION OF COUNTY

16 COMMISSION OF VETERANS AFFAIRS FUND STANDING

17 APPROPRIATIONS. Notwithstanding the standing
18 appropriation in the following designated section for
19 the fiscal year beginning July 1, 2012, and ending June
20 30, 2013, the amounts appropriated from the general
21 fund of the state pursuant to that section for the
22 following designated purposes shall not exceed the
23 following amount:

24 For the county commissions of veterans affairs fund

25 under section 35A.16:
 26 \$ 495,000
 27 990,000

28 DIVISION IV

29 DEPARTMENT OF HUMAN SERVICES

30 Sec. 5. 2011 Iowa Acts, chapter 129, section 117,
 31 is amended to read as follows:

32 SEC. 117. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

33 BLOCK GRANT. There is appropriated from the fund
 34 created in section 8.41 to the department of human
 35 services for the fiscal year beginning July 1, 2012,
 36 and ending June 30, 2013, from moneys received under
 37 the federal temporary assistance for needy families
 38 (TANF) block grant pursuant to the federal Personal
 39 Responsibility and Work Opportunity Reconciliation
 40 Act of 1996, Pub. L. No. 104-193, and successor
 41 legislation, and from moneys received under the
 42 emergency contingency fund for temporary assistance
 43 for needy families state program established pursuant
 44 to the federal American Recovery and Reinvestment
 45 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
 46 legislation, the following amounts, or so much
 47 thereof as is necessary, to be used for the purposes
 48 designated:

49 1. To be credited to the family investment program
 50 account and used for assistance under the family

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1 investment program under chapter 239B:
 2 \$ 10,750,369
 3 19,790,365

4 2. To be credited to the family investment program
 5 account and used for the job opportunities and
 6 basic skills (JOBS) program and implementing family
 7 investment agreements in accordance with chapter 239B:
 8 \$ 6,205,764
 9 12,411,528

10 3. To be used for the family development and
 11 self-sufficiency grant program in accordance with
 12 section 216A.107:
 13 \$ 1,449,490
 14 2,898,980

15 Notwithstanding section 8.33, moneys appropriated in
 16 this subsection that remain unencumbered or unobligated
 17 at the close of the fiscal year shall not revert but
 18 shall remain available for expenditure for the purposes
 19 designated until the close of the succeeding fiscal
 20 year. However, unless such moneys are encumbered or
 21 obligated on or before September 30, 2013, the moneys
 22 shall revert.

23 4. For field operations:

24	.....	\$	15,648,116
25			<u>31,296,232</u>
26	5. For general administration:		
27	.....	\$	1,872,000
28			<u>3,744,000</u>
29	6. For state child care assistance:		
30	.....	\$	8,191,343
31			<u>16,382,687</u>

32 The funds appropriated in this subsection shall be
 33 transferred to the child care and development block
 34 grant appropriation made pursuant to 2011 Iowa Acts,
 35 chapter 126, section 32, by the Eighty-fourth General
 36 Assembly, 2012 2011 Session, for the federal fiscal
 37 year beginning October 1, 2012, and ending September
 38 30, 2013. Of this amount, ~~\$100,000~~ \$200,000 shall
 39 be used for provision of educational opportunities
 40 to registered child care home providers in order to
 41 improve services and programs offered by this category
 42 of providers and to increase the number of providers.
 43 The department may contract with institutions of higher
 44 education or child care resource and referral centers
 45 to provide the educational opportunities. Allowable
 46 administrative costs under the contracts shall not
 47 exceed 5 percent. The application for a grant shall
 48 not exceed two pages in length.

49 7. For distribution to counties for state case
 50 services for persons with mental health and illness.

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1	<u>an intellectual disability, or a developmental</u>		
2	<u>disabilities community services disability in</u>		
3	<u>accordance with section 331.440:</u>		
4	.....	\$	2,447,026
5			<u>4,894,052</u>
6	8. For child and family services:		
7	.....	\$	16,042,215
8			<u>32,084,430</u>
9	9. For child abuse prevention grants:		
10	.....	\$	62,500
11			<u>125,000</u>
12	10. For pregnancy prevention grants on the		
13	condition that family planning services are funded:		
14	.....	\$	965,033
15			<u>1,930,067</u>

16 Pregnancy prevention grants shall be awarded to
 17 programs in existence on or before July 1, 2012, if the
 18 programs have demonstrated positive outcomes. Grants
 19 shall be awarded to pregnancy prevention programs
 20 which are developed after July 1, 2012, if the programs
 21 are based on existing models that have demonstrated
 22 positive outcomes. Grants shall comply with the

23 requirements provided in 1997 Iowa Acts, chapter
 24 208, section 14, subsections 1 and 2, including the
 25 requirement that grant programs must emphasize sexual
 26 abstinence. Priority in the awarding of grants shall
 27 be given to programs that serve areas of the state
 28 which demonstrate the highest percentage of unplanned
 29 pregnancies of females of childbearing age within the
 30 geographic area to be served by the grant.

31 11. For technology needs and other resources
 32 necessary to meet federal welfare reform reporting,
 33 tracking, and case management requirements:
 34 \$ 518,593
 35 1,037,186

36 12. To be credited to the state child care
 37 assistance appropriation made in this section to be
 38 used for funding of community-based early childhood
 39 programs targeted to children from birth through five
 40 years of age developed by early childhood Iowa areas as
 41 provided in section 256I.11:
 42 \$ 3,175,000
 43 6,350,000

44 The department shall transfer TANF block grant
 45 funding appropriated and allocated in this subsection
 46 to the child care and development block grant
 47 appropriation in accordance with federal law as
 48 necessary to comply with the provisions of this
 49 subsection.

50 13. a. Notwithstanding any provision to the

Page 20

1 contrary, including but not limited to requirements
 2 in section 8.41 or provisions in 2011 or 2012 Iowa
 3 Acts regarding the receipt and appropriation of
 4 federal block grants, federal funds from the ~~emergency~~
 5 ~~contingency fund for~~ temporary assistance for needy
 6 families ~~state program established pursuant to the~~
 7 ~~federal American Recovery and Reinvestment Act of 2009,~~
 8 ~~Pub. L. No. 111-5 § 2101, block grant~~ received by the
 9 state ~~during the fiscal year beginning July 1, 2011,~~
 10 ~~and ending June 30, 2012,~~ not otherwise appropriated
 11 in this section and remaining available ~~as of for~~
 12 ~~the fiscal year beginning July 1, 2012, and received~~
 13 ~~by the state during the fiscal year beginning July~~
 14 ~~1, 2012, and ending June 30, 2013,~~ are appropriated
 15 to the department of human services to the extent as
 16 may be necessary to be used in the following priority
 17 order: the family investment program for the fiscal
 18 year and for state child care assistance program
 19 payments for individuals enrolled in the family
 20 investment program who are employed. The federal funds
 21 appropriated in this paragraph "a" shall be expended

22 only after all other funds appropriated in subsection 1
23 for the assistance under the family investment program
24 under chapter 239B have been expended.

25 b. The department shall, on a quarterly basis,
26 advise the legislative services agency and department
27 of management of the amount of funds appropriated in
28 this subsection that was expended in the prior quarter.

29 14. Of the amounts appropriated in this section,
30 ~~\$6,481,004~~ \$12,962,008 for the fiscal year beginning
31 July 1, 2012, shall be transferred to the appropriation
32 of the federal social services block grant made for
33 that fiscal year.

34 15. For continuation of the program allowing the
35 department to maintain categorical eligibility for the
36 food assistance program as required under the section
37 of this division relating to the family investment
38 account:

39 \$ 73,036
40 25,000

41 16. The department may transfer funds allocated
42 in this section to the appropriations made in this
43 division of this Act for general administration and
44 field operations for resources necessary to implement
45 and operate the services referred to in this section
46 and those funded in the appropriation made in this
47 division of this Act for the family investment program
48 from the general fund of the state.

49 Sec. 6. 2011 Iowa Acts, chapter 129, section 118,
50 is amended to read as follows:

Page 21

1 SEC. 118. FAMILY INVESTMENT PROGRAM ACCOUNT.

2 1. Moneys credited to the family investment program
3 (FIP) account for the fiscal year beginning July
4 1, 2012, and ending June 30, 2013, shall be used to
5 provide assistance in accordance with chapter 239B.

6 2. The department may use a portion of the moneys
7 credited to the FIP account under this section as
8 necessary for salaries, support, maintenance, and
9 miscellaneous purposes.

10 3. The department may transfer funds allocated in
11 this section to the appropriations in this division
12 of this Act for general administration and field
13 operations for resources necessary to implement and
14 operate the services referred to in this section and
15 those funded in the appropriation made in this division
16 of this Act for the family investment program from the
17 general fund of the state.

18 4. Moneys appropriated in this division of this Act
19 and credited to the FIP account for the fiscal year
20 beginning July 1, 2012, and ending June 30, 2013, are

21 allocated as follows:

22 a. To be retained by the department of human
 23 services to be used for coordinating with the
 24 department of human rights to more effectively serve
 25 participants in the FIP program and other shared
 26 clients and to meet federal reporting requirements
 27 under the federal temporary assistance for needy
 28 families block grant:
 29 \$ 10,000
 30 20,000

31 b. To the department of human rights for staffing,
 32 administration, and implementation of the family
 33 development and self-sufficiency grant program in
 34 accordance with section 216A.107:
 35 \$ 2,671,417
 36 5,342,834

37 (1) Of the funds allocated for the family
 38 development and self-sufficiency grant program in this
 39 lettered paragraph, not more than 5 percent of the
 40 funds shall be used for the administration of the grant
 41 program.

42 (2) The department of human rights may continue to
 43 implement the family development and self-sufficiency
 44 grant program statewide during fiscal year 2012–2013.

45 c. For the diversion subaccount of the FIP account:
 46 \$ 849,200
 47 1,698,400

48 A portion of the moneys allocated for the subaccount
 49 may be used for field operations salaries, data
 50 management system development, and implementation

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1 costs and support deemed necessary by the director of
 2 human services in order to administer the FIP diversion
 3 program.

4 d. For the food stamp employment and training
 5 program:
 6 \$ 33,294
 7 66,588

8 (1) The department shall amend the food stamp
 9 employment and training state plan in order to maximize
 10 to the fullest extent permitted by federal law the
 11 use of the 50-50 match provisions for the claiming
 12 of allowable federal matching funds from the United
 13 States department of agriculture pursuant to the
 14 federal food stamp employment and training program for
 15 providing education, employment, and training services
 16 for eligible food assistance program participants,
 17 including but not limited to related dependent care and
 18 transportation expenses.

19 (2) The department shall continue the categorical

20 federal food assistance program eligibility at 160
 21 percent of the federal poverty level and continue to
 22 eliminate the asset test from eligibility requirements,
 23 consistent with federal food assistance program
 24 requirements. The department shall include as many
 25 food assistance households as is allowed by federal
 26 law. The eligibility provisions shall conform to all
 27 federal requirements including requirements addressing
 28 individuals who are incarcerated or otherwise
 29 ineligible.

30 e. For the JOBS program:

31 \$ 10,117,952
 32 \$ 20,235,905

33 5. Of the child support collections assigned under
 34 FIP, an amount equal to the federal share of support
 35 collections shall be credited to the child support
 36 recovery appropriation made in this division of this
 37 Act. Of the remainder of the assigned child support
 38 collections received by the child support recovery
 39 unit, a portion shall be credited to the FIP account,
 40 a portion may be used to increase recoveries, and a
 41 portion may be used to sustain cash flow in the child
 42 support payments account. If as a consequence of the
 43 appropriations and allocations made in this section
 44 the resulting amounts are insufficient to sustain
 45 cash assistance payments and meet federal maintenance
 46 of effort requirements, the department shall seek
 47 supplemental funding. If child support collections
 48 assigned under FIP are greater than estimated or are
 49 otherwise determined not to be required for maintenance
 50 of effort, the state share of either amount may be

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1 transferred to or retained in the child support payment
 2 account.

3 6. The department may adopt emergency rules for
 4 the family investment, JOBS, food stamp, and medical
 5 assistance programs if necessary to comply with federal
 6 requirements.

7 Sec. 7. 2011 Iowa Acts, chapter 129, section 119,
 8 is amended to read as follows:

9 SEC. 119. FAMILY INVESTMENT PROGRAM GENERAL

10 FUND. There is appropriated from the general fund of
 11 the state to the department of human services for the
 12 fiscal year beginning July 1, 2012, and ending June 30,
 13 2013, the following amount, or so much thereof as is
 14 necessary, to be used for the purpose designated:

15 To be credited to the family investment program
 16 (FIP) account and used for family investment program
 17 assistance under chapter 239B:

18 \$ 25,085,513

19

20 1. Of the funds appropriated in this section,
 21 ~~\$3,912,188~~ \$7,824,377 is allocated for the JOBS
 22 program.

23 2. Of the funds appropriated in this section,
 24 ~~\$1,231,927~~ \$2,463,854 is allocated for the family
 25 development and self-sufficiency grant program.

26 3. Notwithstanding section 8.39, for the fiscal
 27 year beginning July 1, 2012, if necessary to meet
 28 federal maintenance of effort requirements or to
 29 transfer federal temporary assistance for needy
 30 families block grant funding to be used for purposes
 31 of the federal social services block grant or to meet
 32 cash flow needs resulting from delays in receiving
 33 federal funding or to implement, in accordance with
 34 this division of this Act, activities currently funded
 35 with juvenile court services, county, or community
 36 moneys and state moneys used in combination with such
 37 moneys, the department of human services may transfer
 38 funds within or between any of the appropriations made
 39 in this division of this Act and appropriations in law
 40 for the federal social services block grant to the
 41 department for the following purposes, provided that
 42 the combined amount of state and federal temporary
 43 assistance for needy families block grant funding for
 44 each appropriation remains the same before and after
 45 the transfer:

- 46 a. For the family investment program.
- 47 b. For child care assistance.
- 48 c. For child and family services.
- 49 d. For field operations.
- 50 e. For general administration.

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1 ~~f. MH/MR/DD/BI community services (local purchase).~~
 2 For distribution to counties for state case services
 3 for persons with mental illness, an intellectual
 4 disability, or a developmental disability in accordance
 5 with section 331.440.

6 This subsection shall not be construed to prohibit
 7 the use of existing state transfer authority for other
 8 purposes. The department shall report any transfers
 9 made pursuant to this subsection to the legislative
 10 services agency.

11 4. Of the funds appropriated in this section,
 12 ~~\$97,839~~ \$195,678 shall be used for continuation of a
 13 grant to an Iowa-based nonprofit organization with a
 14 history of providing tax preparation assistance to
 15 low-income Iowans in order to expand the usage of the
 16 earned income tax credit. The purpose of the grant is
 17 to supply this assistance to underserved areas of the

18 state.

19 5. The amount appropriated in this section reflects
 20 a reduction in expenditures for office supplies,
 21 purchases of equipment, office equipment, printing and
 22 binding, and marketing, that shall be applied equitably
 23 to the programs under this section.

24 6. The department may transfer funds appropriated
 25 in this section to the appropriations made in this
 26 division of this Act for general administration and
 27 field operations as necessary to administer this
 28 section and the overall family investment program.

29 Sec. 8. 2011 Iowa Acts, chapter 129, section 120,
 30 is amended to read as follows:

31 SEC. 120. CHILD SUPPORT RECOVERY. There is
 32 appropriated from the general fund of the state to
 33 the department of human services for the fiscal year
 34 beginning July 1, 2012, and ending June 30, 2013, the
 35 following amount, or so much thereof as is necessary,
 36 to be used for the purposes designated:

37 For child support recovery, including salaries,
 38 support, maintenance, and miscellaneous purposes, and
 39 for not more than the following full-time equivalent
 40 positions:

41	\$	<u>6,550,627</u>
42		<u>12,549,560</u>
43	FTEs	475.00

44 1. The department shall expend up to ~~\$12,164~~
 45 \$24,329, including federal financial participation, for
 46 the fiscal year beginning July 1, 2012, for a child
 47 support public awareness campaign. The department and
 48 the office of the attorney general shall cooperate in
 49 continuation of the campaign. The public awareness
 50 campaign shall emphasize, through a variety of media

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1 activities, the importance of maximum involvement of
 2 both parents in the lives of their children as well as
 3 the importance of payment of child support obligations.

4 2. Federal access and visitation grant moneys shall
 5 be issued directly to private not-for-profit agencies
 6 that provide services designed to increase compliance
 7 with the child access provisions of court orders,
 8 including but not limited to neutral visitation sites
 9 and mediation services.

10 3. The appropriation made to the department for
 11 child support recovery may be used throughout the
 12 fiscal year in the manner necessary for purposes of
 13 cash flow management, and for cash flow management
 14 purposes the department may temporarily draw more
 15 than the amount appropriated, provided the amount
 16 appropriated is not exceeded at the close of the fiscal

17 year.

18 4. With the exception of the funding amount
19 specified, the requirements established under 2001
20 Iowa Acts, chapter 191, section 3, subsection 5,
21 paragraph "c", subparagraph (3), shall be applicable
22 to parental obligation pilot projects for the fiscal
23 year beginning July 1, 2012, and ending June 30,
24 2013. Notwithstanding 441 IAC 100.8, providing for
25 termination of rules relating to the pilot projects,
26 the rules shall remain in effect until June 30, 2013.

27 5. The amount appropriated in this section reflects
28 a reduction in expenditures for office supplies,
29 purchases of equipment, office equipment, printing and
30 binding, and marketing.

31 MEDICAL ASSISTANCE PROGRAM

32 Sec. 9. 2011 Iowa Acts, chapter 129, section 122,
33 unnumbered paragraph 2, is amended to read as follows:

34 For medical assistance program reimbursement and
35 associated costs as specifically provided in the
36 reimbursement methodologies in effect on June 30,
37 2012, except as otherwise expressly authorized by
38 law, ~~and consistent with options under federal law and~~
39 ~~regulations:~~

40	\$	<u>914,993,421</u>
41		<u>950,526,658</u>

42 Sec. 10. 2011 Iowa Acts, chapter 129, section 122,
43 subsection 1, unnumbered paragraph 1, is amended to
44 read as follows:

45 Iowans support reducing the number of abortions
46 performed in our state. Funds appropriated in this
47 section shall not be used for abortions. For the
48 purposes of this section, "abortion" does not include
49 any of the following:

50 a. The treatment of a woman for a physical

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1 disorder, physical injury, or physical illness,
2 including a life-endangering physical condition caused
3 by or arising from the pregnancy itself, that would,
4 as certified by a physician, place the woman in danger
5 of death.

6 b. The treatment of a woman for a spontaneous
7 abortion, commonly known as a miscarriage, when not all
8 of the products of conception are expelled.

9 1A. For an abortion covered under the program,
10 except in the case of a medical emergency, as defined
11 in section 135L.1, for any woman, the physician shall
12 certify both of the following:

13 MEDICAL ASSISTANCE — DISPROPORTIONATE SHARE HOSPITAL

14 Sec. 11. 2011 Iowa Acts, chapter 129, section 122,
15 subsection 11, paragraph a, unnumbered paragraph 1, is

16 amended to read as follows:

17 Of the funds appropriated in this section,
 18 ~~\$7,425,684~~ \$7,678,245 is allocated for the state
 19 match for a disproportionate share hospital payment
 20 of \$19,133,430 to hospitals that meet both of the
 21 conditions specified in subparagraphs (1) and (2).
 22 In addition, the hospitals that meet the conditions
 23 specified shall either certify public expenditures
 24 or transfer to the medical assistance program an
 25 amount equal to provide the nonfederal share for a
 26 disproportionate share hospital payment of \$7,500,000.
 27 The hospitals that meet the conditions specified
 28 shall receive and retain 100 percent of the total
 29 disproportionate share hospital payment of \$26,633,430.

30 MEDICAL ASSISTANCE — IOWACARE TRANSFER

31 Sec. 12. 2011 Iowa Acts, chapter 129, section 122,
 32 subsection 13, is amended to read as follows:

33 13. Of the funds appropriated in this section,
 34 up to ~~\$4,480,304~~ \$8,684,329 may be transferred to the
 35 IowaCare account created in section 249J.24.

36 MEDICAL ASSISTANCE — COST CONTAINMENT STRATEGIES

37 Sec. 13. 2011 Iowa Acts, chapter 129, section 122,
 38 subsection 20, paragraphs a and d, are amended to read
 39 as follows:

40 a. The department may continue to implement cost
 41 containment strategies recommended by the governor, ~~and~~
 42 for the fiscal year beginning July 1, 2011, and shall
 43 implement new strategies for the fiscal year beginning
 44 July 1, 2012, as specified in this division of this
 45 2012 Act. It is the intent of the general assembly
 46 that the cost containment strategies are implemented
 47 only to the extent necessary to achieve projected
 48 savings. The department may adopt emergency rules for
 49 such implementation.

50 d. If the savings to the medical assistance program

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1 for the fiscal year beginning July 1, 2012, exceed
 2 the cost, the department may transfer any savings
 3 generated for the fiscal year due to medical assistance
 4 program cost containment efforts initiated pursuant
 5 to 2010 Iowa Acts, chapter 1031, Executive Order No.
 6 20, issued December 16, 2009, or cost containment
 7 strategies initiated pursuant to this subsection, to
 8 the appropriation made in this division of this Act
 9 for medical contracts or general administration to
 10 defray the increased contract costs associated with
 11 implementing such efforts.

12 Sec. 14. 2011 Iowa Acts, chapter 129, section 122,
 13 is amended by adding the following new subsections:

14 NEW SUBSECTION. 23. The department shall align

15 reimbursement for prescription drugs administered by a
 16 physician to be equivalent to the reimbursement for the
 17 same prescription drug when dispensed by a pharmacy.
 18 NEW SUBSECTION. 24. The department shall implement
 19 a hospital inpatient reimbursement policy to provide
 20 for the combining of an original claim for an inpatient
 21 stay with a claim for a subsequent inpatient stay when
 22 the patient is admitted within seven days of discharge
 23 from the original hospital stay for the same condition.
 24 NEW SUBSECTION. 25. The department shall
 25 transition payment for and administration of services
 26 provided by psychiatric medical institutions for
 27 children to the Iowa plan.
 28 NEW SUBSECTION. 26. The department shall adjust
 29 medical assistance reimbursement rates for physician
 30 services by applying a site-of-service differential to
 31 reflect the difference between the cost of physician
 32 services when provided in a health facility setting
 33 and the cost of physician services when provided in a
 34 physician's office. The adjustment shall be applied
 35 in a manner that does not exceed \$1 million in medical
 36 assistance program cost savings annually.
 37 NEW SUBSECTION. 27. The amount appropriated in
 38 this section reflects a reduction in expenditures
 39 for office supplies, purchases of equipment, office
 40 equipment, printing and binding, and marketing, that
 41 shall be applied equitably to the programs under this
 42 section.

43 **MEDICAL ASSISTANCE FOR EMPLOYED PEOPLE WITH**
 44 **DISABILITIES**

45 Sec. 15. 2011 Iowa Acts, chapter 129, section 122,
 46 is amended by adding the following new subsection:
 47 NEW SUBSECTION. 28. The department of human
 48 services shall adopt rules for the Medicaid for
 49 employed people with disabilities program to provide
 50 that until such time as the department adopts

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1 rules, annually, to implement the most recently
 2 revised poverty guidelines published by the United
 3 States department of health and human services, the
 4 calculation of gross income eligibility and premium
 5 amounts shall not include any increase in unearned
 6 income attributable to a social security cost-of-living
 7 adjustment for an individual or member of the
 8 individual's family whose unearned income is included
 9 in such calculation.

10 **OUTPATIENT CLINICAL SERVICE FOR CHILDREN**

11 Sec. 16. 2011 Iowa Acts, chapter 129, section 122,
 12 is amended by adding the following new subsection:
 13 NEW SUBSECTION. 29. a. Of the funds appropriated

14 in this section, not more than \$50,000 shall be used
 15 to provide cost-based reimbursement for 100 percent
 16 of the reasonable costs for provision of outpatient
 17 clinical services for children who are recipients
 18 of medical assistance. In order to be eligible for
 19 reimbursement under this subsection, a provider shall
 20 be an accredited, nonprofit agency that meets all of
 21 the following criteria on or before January 1, 2012:

22 (1) Provides clinical outpatient services to
 23 children of whom at least 60 percent are recipients of
 24 medical assistance.

25 (2) Provides inpatient services licensed under
 26 chapter 135H, outpatient services, psychiatric
 27 and psychological services, and behavioral health
 28 intervention services for children.

29 (3) Directly employs a full-time psychiatrist,
 30 psychologist, and licensed therapist.

31 b. The department of human services shall seek
 32 federal approval to amend the medical assistance
 33 program state plan and shall amend the contract with
 34 the department's managed care contractor for behavioral
 35 health services under the medical assistance program to
 36 provide reimbursement as specified in this subsection.
 37 Implementation of this subsection is contingent
 38 upon receipt of such federal approval and total
 39 reimbursements are limited to the funding allocated
 40 under this subsection.

41 c. For the purposes of this subsection, "outpatient
 42 services" means psychiatric care, psychological care,
 43 and treatment services, but does not include behavioral
 44 health intervention services or child welfare
 45 services as defined for existing providers under the
 46 department's managed care contract for behavioral
 47 health services.

48 STATE BALANCING INCENTIVE PAYMENTS PROGRAM

49 Sec. 17. 2011 Iowa Acts, chapter 129, section 122,
 50 is amended by adding the following new subsection:

Page 29

1 NEW SUBSECTION. 30. The funds received through
 2 participation in the medical assistance state balancing
 3 incentive payments program created pursuant to section
 4 10202 of the federal Patient Protection and Affordable
 5 Care Act of 2010, Pub. L. No. 111-148 (2010), as
 6 amended by the federal Health Care and Education
 7 Reconciliation Act of 2010, Pub. L. No. 111-152,
 8 shall be used by the department of human services to
 9 comply with the requirements of the program including
 10 developing a no wrong door single entry point system;
 11 providing a conflict-free case management system;
 12 providing core standardized assessment instruments;

13 complying with data collection requirements relating to
14 services, quality, and outcomes; meeting the applicable
15 target spending percentage required under the program
16 to rebalance long-term care spending under the medical
17 assistance program between home and community-based
18 services and institution-based services; and for new or
19 expanded medical assistance program non-institutionally
20 based long-term care services and supports.

21 MEDICAL ASSISTANCE — SAME DAY ENCOUNTERS REIMBURSEMENT

22 Sec. 18. 2011 Iowa Acts, chapter 129, section 122,
23 is amended by adding the following new subsection:

24 NEW SUBSECTION. 31. The department of human
25 services shall provide for reimbursement of federally
26 qualified health centers for medical, behavioral, and
27 dental encounters occurring on the same day to support
28 the patient-centered medical home model.

29 Sec. 19. 2011 Iowa Acts, chapter 129, section 123,
30 is amended to read as follows:

31 SEC. 123. MEDICAL CONTRACTS. There is appropriated
32 from the general fund of the state to the department of
33 human services for the fiscal year beginning July 1,
34 2012, and ending June 30, 2013, the following amount,
35 or so much thereof as is necessary, to be used for the
36 purpose designated:

37 For medical contracts:

38	\$	5,453,728
39		<u>7,117,155</u>

40 1. The department of inspections and appeals
41 shall provide all state matching funds for survey and
42 certification activities performed by the department
43 of inspections and appeals. The department of human
44 services is solely responsible for distributing the
45 federal matching funds for such activities.

46 2. Of the funds appropriated in this section,
47 ~~\$25,000~~ \$50,000 shall be used for continuation of home
48 and community-based services waiver quality assurance
49 programs, including the review and streamlining of
50 processes and policies related to oversight and quality

1 management to meet state and federal requirements.

2 3. Of the amount appropriated in this section, up
3 to \$200,000 may be transferred to the appropriation for
4 general administration in this division of this Act to
5 be used for additional full-time equivalent positions
6 in the development of key health initiatives such as
7 cost containment, development and oversight of managed
8 care programs, and development of health strategies
9 targeted toward improved quality and reduced costs in
10 the Medicaid program.

11 4. The amount appropriated in this section reflects

12 a reduction in expenditures for office supplies,
13 purchases of equipment, office equipment, printing and
14 binding, and marketing budgeted for under this section.

15 Sec. 20. 2011 Iowa Acts, chapter 129, section 124,
16 is amended to read as follows:

17 SEC. 124. STATE SUPPLEMENTARY ASSISTANCE.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For the state supplementary assistance program:
24 \$ 8,425,373
25 15,450,747

26 2. The department shall increase the personal needs
27 allowance for residents of residential care facilities
28 by the same percentage and at the same time as federal
29 supplemental security income and federal social
30 security benefits are increased due to a recognized
31 increase in the cost of living. The department may
32 adopt emergency rules to implement this subsection.

33 3. If during the fiscal year beginning July 1,
34 2012, the department projects that state supplementary
35 assistance expenditures for a calendar year will not
36 meet the federal pass-through requirement specified
37 in Tit. XVI of the federal Social Security Act,
38 section 1618, as codified in 42 U.S.C. § 1382g,
39 the department may take actions including but not
40 limited to increasing the personal needs allowance
41 for residential care facility residents and making
42 programmatic adjustments or upward adjustments of the
43 residential care facility or in-home health-related
44 care reimbursement rates prescribed in this division of
45 this Act to ensure that federal requirements are met.
46 In addition, the department may make other programmatic
47 and rate adjustments necessary to remain within the
48 amount appropriated in this section while ensuring
49 compliance with federal requirements. The department
50 may adopt emergency rules to implement the provisions

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1 of this subsection.

2 Sec. 21. 2011 Iowa Acts, chapter 129, section 125,
3 is amended to read as follows:

4 SEC. 125. CHILDREN'S HEALTH INSURANCE PROGRAM.

5 1. There is appropriated from the general fund of
6 the state to the department of human services for the
7 fiscal year beginning July 1, 2012, and ending June 30,
8 2013, the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:

10 For maintenance of the healthy and well kids in Iowa

11 (hawk-i) program pursuant to chapter 514I, including
12 supplemental dental services, for receipt of federal
13 financial participation under Tit. XXI of the federal
14 Social Security Act, which creates the children’s
15 health insurance program:

16 \$ 16,403,051
17 36,806,102

18 2. Of the funds appropriated in this section,
19 ~~\$64,475~~\$141,450 is allocated for continuation of the
20 contract for outreach with the department of public
21 health.

22 Sec. 22. 2011 Iowa Acts, chapter 129, section 126,
23 is amended to read as follows:

24 SEC. 126. CHILD CARE ASSISTANCE. There is
25 appropriated from the general fund of the state to
26 the department of human services for the fiscal year
27 beginning July 1, 2012, and ending June 30, 2013, the
28 following amount, or so much thereof as is necessary,
29 to be used for the purpose designated:

30 For child care programs:

31 \$ 26,618,831
32 61,064,552

33 1. Of the funds appropriated in this section,
34 ~~\$25,948,041~~ \$59,695,125 shall be used for state child
35 care assistance in accordance with section 237A.13.

36 2. Nothing in this section shall be construed or
37 is intended as or shall imply a grant of entitlement
38 for services to persons who are eligible for assistance
39 due to an income level consistent with the waiting
40 list requirements of section 237A.13. Any state
41 obligation to provide services pursuant to this section
42 is limited to the extent of the funds appropriated in
43 this section.

44 3. Of the funds appropriated in this section,
45 ~~\$216,226~~ \$432,453 is allocated for the statewide
46 program for child care resource and referral services
47 under section 237A.26. A list of the registered and
48 licensed child care facilities operating in the area
49 served by a child care resource and referral service
50 shall be made available to the families receiving state

1 child care assistance in that area.
2 4. Of the funds appropriated in this section,
3 ~~\$468,487~~ \$936,974 is allocated for child care quality
4 improvement initiatives including but not limited to
5 the voluntary quality rating system in accordance with
6 section 237A.30.
7 5. The department may use any of the funds
8 appropriated in this section as a match to obtain
9 federal funds for use in expanding child care

10 assistance and related programs. For the purpose of
 11 expenditures of state and federal child care funding,
 12 funds shall be considered obligated at the time
 13 expenditures are projected or are allocated to the
 14 department's service areas. Projections shall be based
 15 on current and projected caseload growth, current and
 16 projected provider rates, staffing requirements for
 17 eligibility determination and management of program
 18 requirements including data systems management,
 19 staffing requirements for administration of the
 20 program, contractual and grant obligations and any
 21 transfers to other state agencies, and obligations for
 22 decategorization or innovation projects.

23 6. A portion of the state match for the federal
 24 child care and development block grant shall be
 25 provided as necessary to meet federal matching
 26 funds requirements through the state general fund
 27 appropriation made for child development grants and
 28 other programs for at-risk children in section 279.51.

29 7. If a uniform reduction ordered by the governor
 30 under section 8.31 or other operation of law,
 31 transfer, or federal funding reduction reduces the
 32 appropriation made in this section for the fiscal year,
 33 the percentage reduction in the amount paid out to or
 34 on behalf of the families participating in the state
 35 child care assistance program shall be equal to or
 36 less than the percentage reduction made for any other
 37 purpose payable from the appropriation made in this
 38 section and the federal funding relating to it. The
 39 percentage reduction to the other allocations made in
 40 this section shall be the same as the uniform reduction
 41 ordered by the governor or the percentage change of the
 42 federal funding reduction, as applicable. If there is
 43 an unanticipated increase in federal funding provided
 44 for state child care assistance, the entire amount
 45 of the increase shall be used for state child care
 46 assistance payments. If the appropriations made for
 47 purposes of the state child care assistance program for
 48 the fiscal year are determined to be insufficient, it
 49 is the intent of the general assembly to appropriate
 50 sufficient funding for the fiscal year in order to

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1 avoid establishment of waiting list requirements.
 2 8. Notwithstanding section 8.33, moneys
 3 appropriated in this section or advanced for purposes
 4 of the programs developed by early childhood Iowa
 5 areas, advanced for purposes of wraparound child care,
 6 or received from the federal appropriations made for
 7 the purposes of this section that remain unencumbered
 8 or unobligated at the close of the fiscal year shall

9 not revert to any fund but shall remain available for
10 expenditure for the purposes designated until the close
11 of the succeeding fiscal year.

12 9. The amount appropriated in this section reflects
13 a reduction in expenditures for office supplies,
14 purchases of equipment, office equipment, printing and
15 binding, and marketing, that shall be applied equitably
16 to the programs under this section.

17 Sec. 23. 2011 Iowa Acts, chapter 129, section 127,
18 is amended to read as follows:

19 SEC. 127. JUVENILE INSTITUTIONS. There is
20 appropriated from the general fund of the state to
21 the department of human services for the fiscal year
22 beginning July 1, 2012, and ending June 30, 2013, the
23 following amounts, or so much thereof as is necessary,
24 to be used for the purposes designated:

25 1. For operation of the Iowa juvenile home at
26 Toledo and for salaries, support, maintenance, and
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29	\$	4,120,125
30		<u>8,297,765</u>
31	FTEs	114.00

32 The amount appropriated in this subsection reflects
33 a reduction in expenditures for office supplies,
34 purchases of equipment, office equipment, printing
35 and binding, and marketing budgeted for under this
36 subsection.

37 2. For operation of the state training school at
38 Eldora and for salaries, support, maintenance, and
39 miscellaneous purposes, and for not more than the
40 following full-time equivalent positions:

41	\$	5,310,338
42		<u>10,680,143</u>
43	FTEs	164.30

44 a. Of the funds appropriated in this subsection,
45 \$45,575 \$91,150 shall be used for distribution
46 to licensed classroom teachers at this and other
47 institutions under the control of the department of
48 human services based upon the average student yearly
49 enrollment at each institution as determined by the
50 department.

1 b. The amount appropriated in this subsection
2 reflects a reduction in expenditures for office
3 supplies, purchases of equipment, office equipment,
4 printing and binding, and marketing budgeted for under
5 this subsection.

6 3. A portion of the moneys appropriated in this
7 section shall be used by the state training school and

8 by the Iowa juvenile home for grants for adolescent
9 pregnancy prevention activities at the institutions in
10 the fiscal year beginning July 1, 2012.

11 Sec. 24. 2011 Iowa Acts, chapter 129, section 128,
12 is amended to read as follows:

13 SEC. 128. CHILD AND FAMILY SERVICES.

14 1. There is appropriated from the general fund of
15 the state to the department of human services for the
16 fiscal year beginning July 1, 2012, and ending June 30,
17 2013, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For child and family services:

20	\$	41,415,081
21		<u>79,671,886</u>

22 2. In order to address a reduction of \$5,200,000
23 from the amount allocated under the appropriation made
24 for the purposes of this section in prior years for
25 purposes of juvenile delinquent graduated sanction
26 services, up to ~~\$2,600,000~~ \$5,200,000 of the amount of
27 federal temporary assistance for needy families block
28 grant funding appropriated in this division of this Act
29 for child and family services shall be made available
30 for purposes of juvenile delinquent graduated sanction
31 services.

32 3. The department may transfer funds appropriated
33 in this section as necessary to pay the nonfederal
34 costs of services reimbursed under the medical
35 assistance program, state child care assistance
36 program, or the family investment program which are
37 provided to children who would otherwise receive
38 services paid under the appropriation in this section.
39 The department may transfer funds appropriated in this
40 section to the appropriations made in this division
41 of this Act for general administration and for field
42 operations for resources necessary to implement and
43 operate the services funded in this section. The
44 department may transfer funds appropriated in this
45 section to the appropriation made in this division of
46 this Act for adoption subsidy to support the adjustment
47 in reimbursement rates for specified child welfare
48 providers as provided in this 2012 Act.

49 4. a. Of the funds appropriated in this section,
50 up to ~~\$15,084,564~~ \$30,837,098 is allocated as the

1 statewide expenditure target under section 232.143
2 for group foster care maintenance and services. If
3 the department projects that such expenditures for
4 the fiscal year will be less than the target amount
5 allocated in this lettered paragraph, the department
6 may reallocate the excess to provide additional

7 funding for shelter care or the child welfare emergency
8 services addressed with the allocation for shelter
9 care.

10 b. If at any time after September 30, 2012,
11 annualization of a service area's current expenditures
12 indicates a service area is at risk of exceeding its
13 group foster care expenditure target under section
14 232.143 by more than 5 percent, the department and
15 juvenile court services shall examine all group
16 foster care placements in that service area in order
17 to identify those which might be appropriate for
18 termination. In addition, any aftercare services
19 believed to be needed for the children whose
20 placements may be terminated shall be identified. The
21 department and juvenile court services shall initiate
22 action to set dispositional review hearings for the
23 placements identified. In such a dispositional review
24 hearing, the juvenile court shall determine whether
25 needed aftercare services are available and whether
26 termination of the placement is in the best interest of
27 the child and the community.

28 5. In accordance with the provisions of section
29 232.188, the department shall continue the child
30 welfare and juvenile justice funding initiative during
31 fiscal year 2012–2013. Of the funds appropriated
32 in this section, ~~\$858,876~~ \$1,717,753 is allocated
33 specifically for expenditure for fiscal year 2012–2013
34 through the decategorization service funding pools
35 and governance boards established pursuant to section
36 232.188.

37 6. A portion of the funds appropriated in this
38 section may be used for emergency family assistance
39 to provide other resources required for a family
40 participating in a family preservation or reunification
41 project or successor project to stay together or to be
42 reunified.

43 7. Notwithstanding section 234.35 or any other
44 provision of law to the contrary, state funding
45 for shelter care and the child welfare emergency
46 services contracting implemented to provide for or
47 prevent the need for shelter care shall be limited to
48 ~~\$3,585,058~~ \$6,470,116. The department may continue or
49 execute contracts that result from the department's
50 request for proposal, bid number ACFS-11-114, to

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1 provide the range of child welfare emergency services
2 described in the request for proposals, and any
3 subsequent amendments to the request for proposals.

4 8. Federal funds received by the state during
5 the fiscal year beginning July 1, 2012, as the

6 result of the expenditure of state funds appropriated
7 during a previous state fiscal year for a service or
8 activity funded under this section are appropriated
9 to the department to be used as additional funding
10 for services and purposes provided for under this
11 section. Notwithstanding section 8.33, moneys
12 received in accordance with this subsection that remain
13 unencumbered or unobligated at the close of the fiscal
14 year shall not revert to any fund but shall remain
15 available for the purposes designated until the close
16 of the succeeding fiscal year.

17 ~~9. Of the funds appropriated in this section, at~~
18 ~~least \$1,848,142 shall be used for protective child~~
19 ~~care assistance.~~

20 10. a. Of the funds appropriated in this section,
21 up to ~~\$1,031,244~~ \$2,062,488 is allocated for the
22 payment of the expenses of court-ordered services
23 provided to juveniles who are under the supervision of
24 juvenile court services, which expenses are a charge
25 upon the state pursuant to section 232.141, subsection
26 4. Of the amount allocated in this lettered paragraph,
27 up to ~~\$778,143~~ \$1,556,287 shall be made available
28 to provide school-based supervision of children
29 adjudicated under chapter 232, of which not more than
30 ~~\$7,500~~ \$15,000 may be used for the purpose of training.
31 A portion of the cost of each school-based liaison
32 officer shall be paid by the school district or other
33 funding source as approved by the chief juvenile court
34 officer.

35 b. Of the funds appropriated in this section, up to
36 ~~\$374,492~~ \$748,985 is allocated for the payment of the
37 expenses of court-ordered services provided to children
38 who are under the supervision of the department,
39 which expenses are a charge upon the state pursuant to
40 section 232.141, subsection 4.

41 c. Notwithstanding section 232.141 or any other
42 provision of law to the contrary, the amounts allocated
43 in this subsection shall be distributed to the
44 judicial districts as determined by the state court
45 administrator and to the department's service areas as
46 determined by the administrator of the department's
47 division of child and family services. The state court
48 administrator and the division administrator shall make
49 the determination of the distribution amounts on or
50 before June 15, 2012.

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1 d. Notwithstanding chapter 232 or any other
2 provision of law to the contrary, a district or
3 juvenile court shall not order any service which is
4 a charge upon the state pursuant to section 232.141

5 if there are insufficient court-ordered services
 6 funds available in the district court or departmental
 7 service area distribution amounts to pay for the
 8 service. The chief juvenile court officer and the
 9 departmental service area manager shall encourage use
 10 of the funds allocated in this subsection such that
 11 there are sufficient funds to pay for all court-related
 12 services during the entire year. The chief juvenile
 13 court officers and departmental service area managers
 14 shall attempt to anticipate potential surpluses and
 15 shortfalls in the distribution amounts and shall
 16 cooperatively request the state court administrator
 17 or division administrator to transfer funds between
 18 the judicial districts' or departmental service areas'
 19 distribution amounts as prudent.

20 e. Notwithstanding any provision of law to the
 21 contrary, a district or juvenile court shall not order
 22 a county to pay for any service provided to a juvenile
 23 pursuant to an order entered under chapter 232 which
 24 is a charge upon the state under section 232.141,
 25 subsection 4.

26 f. Of the funds allocated in this subsection, not
 27 more than ~~\$41,500~~ \$83,000 may be used by the judicial
 28 branch for administration of the requirements under
 29 this subsection.

30 g. Of the funds allocated in this subsection,
 31 ~~\$8,500~~ \$17,000 shall be used by the department of human
 32 services to support the interstate commission for
 33 juveniles in accordance with the interstate compact for
 34 juveniles as provided in section 232.173.

35 11. Of the funds appropriated in this section,
 36 ~~\$2,961,301~~ \$5,922,602 is allocated for juvenile
 37 delinquent graduated sanctions services. Any state
 38 funds saved as a result of efforts by juvenile court
 39 services to earn federal Tit. IV-E match for juvenile
 40 court services administration may be used for the
 41 juvenile delinquent graduated sanctions services.

42 12. Of the funds appropriated in this section,
 43 ~~\$494,142~~ \$1,088,285 shall be transferred to the
 44 department of public health to be used for the child
 45 protection center grant program in accordance with
 46 section 135.118. Of the amount allocated in this
 47 subsection, \$100,000 shall be used for a center for the
 48 Black Hawk county area.

49 13. If the department receives federal approval
 50 to implement a waiver under Tit. IV-E of the federal

- 1 Social Security Act to enable providers to serve
- 2 children who remain in the children's families and
- 3 communities, for purposes of eligibility under the

4 medical assistance program, children who participate in
 5 the waiver shall be considered to be placed in foster
 6 care.

7 14. Of the funds appropriated in this section,
 8 ~~\$1,534,916~~ \$3,092,375 is allocated for the preparation
 9 for adult living program pursuant to section 234.46.

10 15. Of the funds appropriated in this section,
 11 ~~\$260,075~~ \$520,150 shall be used for juvenile drug
 12 courts. The amount allocated in this subsection shall
 13 be distributed as follows:

14 To the judicial branch for salaries to assist with
 15 the operation of juvenile drug court programs operated
 16 in the following jurisdictions:

17 a. Marshall county:		
18	\$	<u>31,354</u>
19		<u>62,708</u>
20 b. Woodbury county:		
21	\$	<u>62,841</u>
22		<u>125,682</u>
23 c. Polk county:		
24	\$	<u>97,946</u>
25		<u>195,892</u>
26 d. The third judicial district:		
27	\$	<u>33,967</u>
28		<u>67,934</u>
29 e. The eighth judicial district:		
30	\$	<u>33,967</u>
31		<u>67,934</u>

32 16. Of the funds appropriated in this section,
 33 ~~\$113,668~~ \$227,337 shall be used for the public purpose
 34 of ~~providing~~ continuing a grant to a nonprofit human
 35 services organization providing services to individuals
 36 and families in multiple locations in southwest
 37 Iowa and Nebraska for support of a project providing
 38 immediate, sensitive support and forensic interviews,
 39 medical exams, needs assessments, and referrals for
 40 victims of child abuse and their nonoffending family
 41 members.

42 17. Of the funds appropriated in this section,
 43 ~~\$62,795~~ \$125,590 is allocated for the ~~elevate~~ foster
 44 care youth council approach of providing a support
 45 network to children placed in foster care.

46 18. Of the funds appropriated in this section,
 47 ~~\$101,000~~ \$202,000 is allocated for use pursuant to
 48 section 235A.1 for continuation of the initiative to
 49 address child sexual abuse implemented pursuant to 2007
 50 Iowa Acts, chapter 218, section 18, subsection 21.

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- 1 19. Of the funds appropriated in this section,
2 ~~\$315,120~~ \$630,240 is allocated for the community
3 partnership for child protection sites.
- 4 20. Of the funds appropriated in this section,
5 ~~\$185,625~~ \$371,250 is allocated for the department's
6 minority youth and family projects under the redesign
7 of the child welfare system.
- 8 21. Of the funds appropriated in this section,
9 ~~\$600,247~~ \$1,436,595 is allocated for funding of the
10 state match for community circle of care collaboration
11 for children and youth in northeast Iowa, formerly
12 referred to as the federal substance abuse and mental
13 health services administration (SAMHSA) system of care
14 grant.
- 15 22. Of the funds appropriated in this section, at
16 least ~~\$73,579~~ \$147,158 shall be used for the child
17 welfare training academy.
- 18 23. Of the funds appropriated in this section,
19 ~~\$12,500~~ \$25,000 shall be used for the public purpose
20 of continuation of a grant to a child welfare services
21 provider headquartered in a county with a population
22 between 205,000 and 215,000 in the latest certified
23 federal census that provides multiple services
24 including but not limited to a psychiatric medical
25 institution for children, shelter, residential
26 treatment, after school programs, school-based
27 programming, and an Asperger's syndrome program, to
28 be used for support services for children with autism
29 spectrum disorder and their families.
- 30 24. Of the funds appropriated in this section
31 ~~\$125,000~~ \$327,947 shall be used for continuation of the
32 central Iowa system of care program grant through June
33 30, 2013.
- 34 25. Of the funds appropriated in this section,
35 ~~\$80,000~~ \$160,000 shall be used for the public
36 purpose of the continuation of a system of care
37 grant implemented in Cerro Gordo and Linn counties in
38 accordance with this Act in FY 2011–2012.
- 39 26. Of the funds appropriated in this section,
40 at least \$25,000 shall be used to continue and to
41 expand the foster care respite program in which
42 postsecondary students in social work and other human
43 services-related programs receive experience by
44 assisting family foster care providers with respite and
45 other support.
- 46 27. The amount appropriated in this section
47 reflects a reduction in expenditures for office
48 supplies, purchases of equipment, office equipment,
49 printing and binding, and marketing, and shall be
50 applied equitably to the programs under this section.

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1 Sec. 25. 2011 Iowa Acts, chapter 129, section 129,
2 is amended to read as follows:

3 SEC. 129. ADOPTION SUBSIDY.

4 1. There is appropriated from the general fund of
5 the state to the department of human services for the
6 fiscal year beginning July 1, 2012, and ending June 30,
7 2013, the following amount, or so much thereof as is
8 necessary, to be used for the purpose designated:

9 For adoption subsidy payments and services:

10 \$ 16,633,295
11 37,788,576

12 2. The department may transfer funds appropriated
13 in this section to the appropriation made in this
14 division of this Act for general administration
15 for costs paid from the appropriation relating to
16 adoption subsidy. The department may transfer funds
17 appropriated in this section to the appropriation
18 made in this division of this Act for child and family
19 services to support the adjustment in reimbursement
20 rates for specified child welfare providers as provided
21 in this 2012 Act.

22 3. Federal funds received by the state during the
23 fiscal year beginning July 1, 2012, as the result of
24 the expenditure of state funds during a previous state
25 fiscal year for a service or activity funded under
26 this section are appropriated to the department to
27 be used as additional funding for the services and
28 activities funded under this section. Notwithstanding
29 section 8.33, moneys received in accordance with this
30 subsection that remain unencumbered or unobligated at
31 the close of the fiscal year shall not revert to any
32 fund but shall remain available for expenditure for the
33 purposes designated until the close of the succeeding
34 fiscal year.

35 Sec. 26. 2011 Iowa Acts, chapter 129, section 131,
36 is amended to read as follows:

37 SEC. 131. FAMILY SUPPORT SUBSIDY PROGRAM.

38 1. There is appropriated from the general fund of
39 the state to the department of human services for the
40 fiscal year beginning July 1, 2012, and ending June 30,
41 2013, the following amount, or so much thereof as is
42 necessary, to be used for the purpose designated:

43 For the family support subsidy program subject
44 to the enrollment restrictions in section 225C.37,
45 subsection 3:

46 \$ 583,990
47 1,096,784

48 2. The department shall use at least ~~\$192,750~~
49 \$385,500 of the moneys appropriated in this section
50 for the family support center component of the

1 comprehensive family support program under section
2 225C.47. Not more than ~~\$12,500~~ \$25,000 of the
3 amount allocated in this subsection shall be used for
4 administrative costs.

5 3. If at any time during the fiscal year, the
6 amount of funding available for the family support
7 subsidy program is reduced from the amount initially
8 used to establish the figure for the number of family
9 members for whom a subsidy is to be provided at any one
10 time during the fiscal year, notwithstanding section
11 225C.38, subsection 2, the department shall revise the
12 figure as necessary to conform to the amount of funding
13 available.

14 Sec. 27. 2011 Iowa Acts, chapter 129, section 132,
15 is amended to read as follows:

16 SEC. 132. CONNER DECREE. There is appropriated
17 from the general fund of the state to the department of
18 human services for the fiscal year beginning July 1,
19 2012, and ending June 30, 2013, the following amount,
20 or so much thereof as is necessary, to be used for the
21 purpose designated:

22 For building community capacity through the
23 coordination and provision of training opportunities
24 in accordance with the consent decree of Conner v.
25 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

26	\$	<u>16,811</u>
27		<u>33,622</u>

28 Sec. 28. 2011 Iowa Acts, chapter 129, section 133,
29 is amended to read as follows:

30 SEC. 133. MENTAL HEALTH INSTITUTES. There is
31 appropriated from the general fund of the state to
32 the department of human services for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the
34 following amounts, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 1. For the state mental health institute at
37 Cherokee for salaries, support, maintenance, and
38 miscellaneous purposes, and for not more than the
39 following full-time equivalent positions:

40	\$	<u>2,938,654</u>
41		<u>5,535,738</u>
42	FTEs	168.50

43 The amount appropriated in this subsection reflects
44 a reduction in expenditures for office supplies,
45 purchases of equipment, office equipment, printing and
46 binding, and marketing under the purview of the mental
47 health institute.

48 2. For the state mental health institute at
49 Clarinda for salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 3,205,867
 3 6,442,688
 4 FTEs 86.10
 5 The amount appropriated in this subsection reflects
 6 a reduction in expenditures for office supplies,
 7 purchases of equipment, office equipment, printing and
 8 binding, and marketing under the purview of the mental
 9 health institute.
 10 3. For the state mental health institute at
 11 Independence for salaries, support, maintenance, and
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions:
 14 \$ 5,137,842
 15 9,738,520
 16 FTEs 233.00
 17 The amount appropriated in this subsection reflects
 18 a reduction in expenditures for office supplies,
 19 purchases of equipment, office equipment, printing and
 20 binding, and marketing under the purview of the mental
 21 health institute.
 22 4. For the state mental health institute at Mount
 23 Pleasant for salaries, support, maintenance, and
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:
 26 \$ 472,161
 27 885,459
 28 FTEs 97.72
 29 The amount appropriated in this subsection reflects
 30 a reduction in expenditures for office supplies,
 31 purchases of equipment, office equipment, printing and
 32 binding, and marketing under the purview of the mental
 33 health institute.
 34 Sec. 29. 2011 Iowa Acts, chapter 129, section 134,
 35 is amended to read as follows:
 36 SEC. 134. STATE RESOURCE CENTERS.
 37 1. There is appropriated from the general fund of
 38 the state to the department of human services for the
 39 fiscal year beginning July 1, 2012, and ending June 30,
 40 2013, the following amounts, or so much thereof as is
 41 necessary, to be used for the purposes designated:
 42 a. For the state resource center at Glenwood for
 43 salaries, support, maintenance, and miscellaneous
 44 purposes:
 45 \$ 9,253,900
 46 18,866,116
 47 The amount appropriated in this paragraph "a"
 48 reflects a reduction in expenditures for office
 49 supplies, purchases of equipment, office equipment,
 50 printing and binding, and marketing under the purview

1 of the resource center.

2 b. For the state resource center at Woodward for
3 salaries, support, maintenance, and miscellaneous
4 purposes:

5 \$ 6,302,820
6 13,033,115

7 The amount appropriated in this paragraph "b"
8 reflects a reduction in expenditures for office
9 supplies, purchases of equipment, office equipment,
10 printing and binding, and marketing under the purview
11 of the resource center.

12 2. The department may continue to bill for state
13 resource center services utilizing a scope of services
14 approach used for private providers of ICFMR services,
15 in a manner which does not shift costs between the
16 medical assistance program, counties, or other sources
17 of funding for the state resource centers.

18 3. The state resource centers may expand the
19 time-limited assessment and respite services during the
20 fiscal year.

21 4. If the department's administration and the
22 department of management concur with a finding by a
23 state resource center's superintendent that projected
24 revenues can reasonably be expected to pay the salary
25 and support costs for a new employee position, or
26 that such costs for adding a particular number of new
27 positions for the fiscal year would be less than the
28 overtime costs if new positions would not be added, the
29 superintendent may add the new position or positions.
30 If the vacant positions available to a resource center
31 do not include the position classification desired to
32 be filled, the state resource center's superintendent
33 may reclassify any vacant position as necessary to
34 fill the desired position. The superintendents of the
35 state resource centers may, by mutual agreement, pool
36 vacant positions and position classifications during
37 the course of the fiscal year in order to assist one
38 another in filling necessary positions.

39 5. If existing capacity limitations are reached
40 in operating units, a waiting list is in effect
41 for a service or a special need for which a payment
42 source or other funding is available for the service
43 or to address the special need, and facilities for
44 the service or to address the special need can be
45 provided within the available payment source or other
46 funding, the superintendent of a state resource center
47 may authorize opening not more than two units or
48 other facilities and begin implementing the service
49 or addressing the special need during fiscal year
50 2012-2013.

1 Sec. 30. 2011 Iowa Acts, chapter 129, section 135,
2 is amended to read as follows:

3 SEC. 135. MI/MR/DD STATE CASES.

4 1. There is appropriated from the general fund of
5 the state to the department of human services for the
6 fiscal year beginning July 1, 2012, and ending June 30,
7 2013, the following amount, or so much thereof as is
8 necessary, to be used for the purpose designated:

9 For distribution to counties for state case services
10 for persons with mental illness, mental retardation,
11 and developmental disabilities in accordance with
12 section 331.440:

13 \$ 6,084,741
14 11,150,820

15 2. For the fiscal year beginning July 1, 2012, and
16 ending June 30, 2013, ~~\$100,000~~ \$200,000 is allocated
17 for state case services from the amounts appropriated
18 from the fund created in section 8.41 to the department
19 of human services from the funds received from the
20 federal government under 42 U.S.C. ch. 6A, subch. XVII,
21 relating to the community mental health center block
22 grant, for the federal fiscal years beginning October
23 1, 2010, and ending September 30, 2011, beginning
24 October 1, 2011, and ending September 30, 2012, and
25 beginning October 1, 2012, and ending September 30,
26 2013. The allocation made in this subsection shall be
27 made prior to any other distribution allocation of the
28 appropriated federal funds.

29 3. Notwithstanding section 8.33, moneys
30 appropriated in this section that remain unencumbered
31 or unobligated at the close of the fiscal year shall
32 not revert but shall remain available for expenditure
33 for the purposes designated until the close of the
34 succeeding fiscal year.

35 Sec. 31. 2011 Iowa Acts, chapter 129, section 137,
36 is amended to read as follows:

37 SEC. 137. SEXUALLY VIOLENT PREDATORS.

38 1. There is appropriated from the general fund of
39 the state to the department of human services for the
40 fiscal year beginning July 1, 2012, and ending June 30,
41 2013, the following amount, or so much thereof as is
42 necessary, to be used for the purpose designated:

43 For costs associated with the commitment and
44 treatment of sexually violent predators in the unit
45 located at the state mental health institute at
46 Cherokee, including costs of legal services and
47 other associated costs, including salaries, support,
48 maintenance, and miscellaneous purposes, and for not
49 more than the following full-time equivalent positions:

50 \$ 3,775,363

1		<u>9,099,686</u>
2	..... FTEs	<u>89,50</u>
3		<u>115.50</u>
4	2. Unless specifically prohibited by law, if the	
5	amount charged provides for recoupment of at least	
6	the entire amount of direct and indirect costs, the	
7	department of human services may contract with other	
8	states to provide care and treatment of persons placed	
9	by the other states at the unit for sexually violent	
10	predators at Cherokee. The moneys received under such	
11	a contract shall be considered to be repayment receipts	
12	and used for the purposes of the appropriation made in	
13	this section.	
14	Sec. 32. 2011 Iowa Acts, chapter 129, section 138,	
15	is amended to read as follows:	
16	SEC. 138. FIELD OPERATIONS. There is appropriated	
17	from the general fund of the state to the department of	
18	human services for the fiscal year beginning July 1,	
19	2012, and ending June 30, 2013, the following amount,	
20	or so much thereof as is necessary, to be used for the	
21	purposes designated:	
22	For field operations, including salaries, support,	
23	maintenance, and miscellaneous purposes, and for not	
24	more than the following full-time equivalent positions:	
25	..... \$	<u>27,304,060</u>
26	.....	<u>60,355,400</u>
27	..... FTEs	1,781.00
28	Priority in filling full-time equivalent positions	
29	shall be given to those positions related to child	
30	protection services and eligibility determination for	
31	low-income families.	
32	<u>The amount appropriated in this section reflects</u>	
33	<u>a reduction in expenditures for office supplies,</u>	
34	<u>purchases of equipment, office equipment, printing</u>	
35	<u>and binding, and marketing under the purview of the</u>	
36	<u>department.</u>	
37	Sec. 33. 2011 Iowa Acts, chapter 129, section 139,	
38	is amended to read as follows:	
39	SEC. 139. GENERAL ADMINISTRATION. There is	
40	appropriated from the general fund of the state to	
41	the department of human services for the fiscal year	
42	beginning July 1, 2012, and ending June 30, 2013, the	
43	following amount, or so much thereof as is necessary,	
44	to be used for the purpose designated:	
45	For general administration, including salaries,	
46	support, maintenance, and miscellaneous purposes, and	
47	for not more than the following full-time equivalent	
48	positions:	
49	..... \$	<u>7,298,372</u>
50		<u>15,096,744</u>

1 FTEs 285.00
2 295.00
3 1. Of the funds appropriated in this section,
4 ~~\$19,271~~ \$38,543 allocated for the prevention of
5 disabilities policy council established in section
6 225B.3.
7 2. The department shall report at least monthly
8 to the legislative services agency concerning the
9 department's operational and program expenditures.
10 3. Of the funds appropriated in this section,
11 ~~\$66,150~~ \$132,300 shall be used to continue the contract
12 for the provision of a program to provide technical
13 assistance, support, and consultation to providers of
14 habilitation services and home and community-based
15 services waiver services for adults with disabilities
16 under the medical assistance program.
17 4. Of the funds appropriated in this section,
18 ~~\$88,200~~ \$176,400 shall be used to continue the contract
19 to expand the provision of nationally accredited and
20 recognized internet-based training to include mental
21 health and disability services providers.
22 ~~5. Of the funds appropriated in this section,~~
23 ~~\$250,000 shall be used for continuation of child~~
24 ~~protection system improvements addressed in 2011 Iowa~~
25 ~~Acts, House File 562, as enacted.~~
26 6. Of the funds appropriated in this section,
27 \$500,000 shall be used for implementation of 2012 Iowa
28 Acts, House File 2422, if enacted.
29 Sec. 34. 2011 Iowa Acts, chapter 129, section 140,
30 is amended to read as follows:
31 SEC. 140. VOLUNTEERS. There is appropriated from
32 the general fund of the state to the department of
33 human services for the fiscal year beginning July 1,
34 2012, and ending June 30, 2013, the following amount,
35 or so much thereof as is necessary, to be used for the
36 purpose designated:
37 For development and coordination of volunteer
38 services:
39 \$ 42,330
40 84,660
41 PROVIDER REIMBURSEMENT — NURSING FACILITIES
42 Sec. 35. 2011 Iowa Acts, chapter 129, section 141,
43 subsection 1, paragraph a, subparagraph (1), is amended
44 to read as follows:
45 (1) For the fiscal year beginning July 1, 2012, the
46 total state funding amount for the nursing facility
47 budget shall not exceed ~~\$225,457,724~~ \$237,226,901.
48 PROVIDER REIMBURSEMENT — PHARMACY AND PMICS
49 Sec. 36. 2011 Iowa Acts, chapter 129, section 141,
50 subsection 1, paragraphs b and i, are amended to read

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1 as follows:

2 b. (1) For the fiscal year beginning July
3 1, 2012, the department shall reimburse pharmacy
4 dispensing fees using a single rate of range between
5 \$4.34 per prescription or the pharmacy's usual and
6 customary fee, whichever is lower, and \$11.10 per
7 prescription. The actual dispensing fee set within
8 the range shall be determined by an annual cost of
9 dispensing survey performed by the department and
10 required to be completed by all medical assistance
11 program participating pharmacies. The department shall
12 also update the cost of dispensing calculations on a
13 regular basis. However, the department shall adjust
14 the dispensing fee specified in this paragraph to
15 distribute an additional \$2,981,980 in reimbursements
16 for pharmacy dispensing fees under this paragraph for
17 the fiscal year.

18 (2) The department shall implement an average
19 acquisition cost reimbursement methodology for all
20 drugs covered under the medical assistance program.
21 The methodology shall utilize a survey of pharmacy
22 invoices from a rotation of pharmacies in determining
23 the average acquisition cost component of pharmacy
24 reimbursement. Pharmacies and providers that are
25 enrolled in the medical assistance program shall make
26 available drug acquisition cost invoice information,
27 product availability information if known, and other
28 information deemed necessary by the department to
29 assist the department in monitoring and revising the
30 reimbursement rates and for efficient operation of
31 the pharmacy benefit. The department shall provide a
32 process for pharmacies to address average acquisition
33 cost prices that are not reflective of the actual cost
34 of a drug. With regard to specialty pharmacy products
35 as defined by the department, the department shall
36 consider the population served, the current delivery
37 system, and the standard of care relative to these
38 products, and may adjust the product reimbursement rate
39 or dispensing fee to prevent problems with access to
40 these products and their associated specialty services.

41 (a) A pharmacy or provider shall produce and submit
42 the requested information in the manner and format
43 requested by the department or its designee at no cost
44 to the department or its designee.

45 (b) A pharmacy or provider shall submit information
46 to the department or its designee within the time
47 frame indicated following receipt of a request for
48 information unless the department or its designee
49 grants an extension upon written request of the
50 pharmacy or provider.

Page 48

1 i. (1) For the fiscal year beginning July 1,
 2 2012, state-owned psychiatric medical institutions
 3 for children shall receive cost-based reimbursement
 4 for 100 percent of the actual and allowable costs for
 5 the provision of services to recipients of medical
 6 assistance.

7 (2) For the nonstate-owned psychiatric medical
 8 institutions for children, reimbursement rates shall be
 9 based on the reimbursement methodology developed by the
 10 department as required for federal compliance.

11 (3) As a condition of participation in the medical
 12 assistance program, enrolled providers shall accept the
 13 medical assistance reimbursement rate for any covered
 14 goods or services provided to recipients of medical
 15 assistance who are children under the custody of a
 16 psychiatric medical institution for children.

17 PROVIDER REIMBURSEMENT — SPECIFIED CHILD WELFARE
 18 PROVIDERS

19 Sec. 37. 2011 Iowa Acts, chapter 129, section 141,
 20 is amended by adding the following new subsection:
 21 NEW SUBSECTION. 6A. For the fiscal year beginning
 22 July 1, 2012, the department shall adjust the
 23 foster family basic daily maintenance rate, the
 24 maximum adoption subsidy rates for children, the
 25 family-centered service providers rate, the family
 26 foster care service providers rate, the group foster
 27 care service providers rate, and the resource family
 28 recruitment and retention contractor rate, as such
 29 rates are identified in this section and were in effect
 30 on June 30, 2012, in order to distribute an additional
 31 \$1,535,256 in state reimbursements equitably to such
 32 providers for the fiscal year.

33 REBASING STUDY —
 34 MEDICAID HOME HEALTH AND HCBS WAIVER SERVICES PROVIDERS

35 Sec. 38. 2011 Iowa Acts, chapter 129, section 141,
 36 is amended by adding the following new subsection:
 37 NEW SUBSECTION. 10A. The department of human
 38 services, Iowa Medicaid enterprise, shall review
 39 reimbursement of home health agency and home and
 40 community-based services waiver services providers
 41 and shall submit a recommendation for a rebasing
 42 methodology applicable to such providers to the
 43 individuals identified in this division of this Act for
 44 receipt of reports by December 31, 2012.

45 REPORTS
 46 Sec. 39. 2011 Iowa Acts, chapter 129, section 143,
 47 is amended to read as follows:

48 SEC. 143. REPORTS. Any reports or other
 49 information required to be compiled and submitted
 50 under this Act shall be submitted to the chairpersons

1 and ranking members of the joint appropriations
2 subcommittee on health and human services, the
3 legislative services agency, and the legislative caucus
4 staffs on or before the dates specified for submission
5 of the reports or information.

6 DIVISION V

7 HEALTH CARE ACCOUNTS AND FUNDS

8 PHARMACEUTICAL SETTLEMENT ACCOUNT

9 Sec. 40. 2011 Iowa Acts, chapter 129, section 145,
10 is amended to read as follows:

11 SEC. 145. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
12 is appropriated from the pharmaceutical settlement
13 account created in section 249A.33 to the department of
14 human services for the fiscal year beginning July 1,
15 2012, and ending June 30, 2013, the following amount,
16 or so much thereof as is necessary, to be used for the
17 purpose designated:

18 Notwithstanding any provision of law to the
19 contrary, to supplement the appropriations made in this
20 Act for medical contracts under the medical assistance
21 program for the fiscal year beginning July 1, 2012, and
22 ending June 30, 2013:

23 \$ 2,716,807
24 IOWACARE ACCOUNT APPROPRIATIONS — UNIVERSITY OF IOWA

25 HOSPITALS AND CLINICS

26 Sec. 41. 2011 Iowa Acts, chapter 129, section 146,
27 subsection 1, paragraph a, subparagraph (1), is amended
28 to read as follows:

29 (1) Funds appropriated in this subsection shall
30 not be used for abortions shall be used in a manner
31 consistent with options under federal Medicaid law
32 and regulation. For the purposes of this subsection,
33 “abortion” does not include any of the following:

34 (a) The treatment of a woman for a physical
35 disorder, physical injury, or physical illness,
36 including a life-endangering physical condition caused
37 by or arising from the pregnancy itself, that would,
38 as certified by a physician, place the woman in danger
39 of death.

40 (b) The treatment of a woman for a spontaneous
41 abortion, commonly known as a miscarriage, when not all
42 of the products of conception are expelled.

43 Sec. 42. 2011 Iowa Acts, chapter 129, section 146,
44 subsection 1, is amended by adding the following new
45 paragraph:

46 NEW PARAGRAPH. d. The university of Iowa hospitals
47 and clinics shall utilize a portion of the funds
48 appropriated in this subsection to pay for lodging
49 expenses for expansion population members receiving
50 cancer treatment over successive days. A member shall

Page 50

1 only be eligible for such payment if the member is
2 otherwise unable to secure lodging at the university of
3 Iowa hospitals and clinics campus or at any other local
4 facility offering free lodging for a member receiving
5 cancer treatment over successive days.

6 Sec. 43. 2011 Iowa Acts, chapter 129, section 146,
7 subsection 2, unnumbered paragraph 2, is amended to
8 read as follows:

9 For salaries, support, maintenance, equipment, and
10 miscellaneous purposes, for the provision of medical
11 and surgical treatment of indigent patients, for
12 provision of services to members of the expansion
13 population pursuant to chapter 249J, and for medical
14 education:

15 \$ 44,226,279
16 45,654,133

17 IOWACARE ACCOUNT — PUBLICLY OWNED ACUTE CARE TEACHING
18 HOSPITAL

19 Sec. 44. 2011 Iowa Acts, chapter 129, section 146,
20 subsection 4, unnumbered paragraph 2, is amended to
21 read as follows:

22 For distribution to a publicly owned acute care
23 teaching hospital located in a county with a population
24 over 350,000 for the provision of medical and surgical
25 treatment of indigent patients, for provision of
26 services to members of the expansion population
27 pursuant to chapter 249J, and for medical education:

28 \$ 65,000,000
29 70,000,000

30 IOWACARE ACCOUNT — PUBLICLY OWNED ACUTE CARE HOSPITAL
31 ALLOCATIONS

32 Sec. 45. 2011 Iowa Acts, chapter 129, section 146,
33 subsection 4, paragraphs a and b, are amended to read
34 as follows:

35 a. Notwithstanding any provision of law to the
36 contrary, the amount appropriated in this subsection
37 shall be distributed based on claims submitted,
38 adjudicated, and paid by the Iowa Medicaid enterprise
39 plus a monthly disproportionate share hospital payment.
40 Any amount appropriated in this subsection in excess
41 of ~~\$60,000,000~~ \$65,000,000 shall be distributed
42 only if the sum of the expansion population claims
43 adjudicated and paid by the Iowa Medicaid enterprise
44 plus the estimated disproportionate share hospital
45 payments exceeds ~~\$60,000,000~~ \$65,000,000. The amount
46 paid in excess of ~~\$60,000,000~~ \$65,000,000 shall
47 not adjust the original monthly payment amount but
48 shall be distributed monthly based on actual claims
49 adjudicated and paid by the Iowa Medicaid enterprise
50 plus the estimated disproportionate share hospital

1 amount. Any amount appropriated in this subsection in
 2 excess of ~~\$60,000,000~~ \$65,000,000 shall be allocated
 3 only if federal funds are available to match the
 4 amount allocated. Pursuant to paragraph “b”, of the
 5 amount appropriated in this subsection, not more than
 6 \$4,000,000 shall be distributed for prescription
 7 drugs, ~~and podiatry services,~~ and optometric services.

8 b. Notwithstanding any provision of law to the
 9 contrary, the hospital identified in this subsection,
 10 shall be reimbursed for outpatient prescription
 11 drugs, ~~and podiatry services,~~ and optometric services
 12 provided to members of the expansion population
 13 pursuant to all applicable medical assistance program
 14 rules, in an amount not to exceed \$4,000,000.

15 IOWACARE ACCOUNT — REGIONAL PROVIDER NETWORK

16 Sec. 46. 2011 Iowa Acts, chapter 129, section 146,
 17 subsection 5, unnumbered paragraph 2, is amended to
 18 read as follows:

19 For payment to the regional provider network
 20 specified by the department pursuant to section 249J.7
 21 for provision of covered services to members of the
 22 expansion population pursuant to chapter 249J:

23	\$	<u>3,472,176</u>
24		<u>4,986,366</u>

25 ACCOUNT FOR HEALTH CARE TRANSFORMATION

26 Sec. 47. 2011 Iowa Acts, chapter 129, section 148,
 27 is amended to read as follows:

28 SEC. 148. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
 29 CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

30 Notwithstanding any provision to the contrary,
 31 there is appropriated from the account for health
 32 care transformation created in section 249J.23 to
 33 the department of human services for the fiscal year
 34 beginning July 1, 2012, and ending June 30, 2013, the
 35 following amounts, or so much thereof as is necessary,
 36 to be used for the purposes designated:

- 37 1. For the provision of an IowaCare nurse helpline
 38 for the expansion population as provided in section
 39 249J.6:
 40
- 41
- 42 2. For other health promotion partnership
 43 activities pursuant to section 249J.14:
 44
- 45 3. For the costs related to audits, performance
 46 evaluations, and studies required pursuant to chapter
 47 249J:
 48
- 49
- 50 4. For administrative costs associated with chapter

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1	249J:		
2	\$	566,206
3			<u>1,132,412</u>
4	5. For planning and development, in cooperation		
5	with the department of public health, of a phased-in		
6	program to provide a dental home for children in		
7	accordance with section 249J.14:		
8	.....	\$	500,000
9			<u>1,000,000</u>
10	6. For continuation of the establishment of the		
11	tuition assistance for individuals serving individuals		
12	with disabilities pilot program, as enacted in 2008		
13	Iowa Acts, chapter 1187, section 130:		
14	.....	\$	25,000
15			<u>50,000</u>
16	7. For medical contracts:		
17	.....	\$	1,000,000
18			<u>2,400,000</u>
19	8. For payment to the publicly owned acute care		
20	teaching hospital located in a county with a population		
21	of over 350,000 that is a participating provider		
22	pursuant to chapter 249J:		
23	.....	\$	145,000
24			<u>540,000</u>
25	Disbursements under this subsection shall be made		
26	monthly. The hospital shall submit a report following		
27	the close of the fiscal year regarding use of the		
28	funds appropriated in this subsection to the persons		
29	specified in this Act to receive reports.		
30	9. For transfer to the department of public health		
31	to be used for the costs of medical home system		
32	advisory council established pursuant to section		
33	135.159:		
34	.....	\$	116,679
35			<u>233,357</u>
36	10. For continued implementation of a uniform cost		
37	report:		
38	.....	\$	75,000
39			<u>150,000</u>
40	11. For continued implementation of an electronic		
41	medical records system:		
42	.....	\$	50,000
43			<u>100,000</u>
44	Notwithstanding section 8.33, funds allocated in		
45	this subsection that remain unencumbered or unobligated		
46	at the close of the fiscal year shall not revert but		
47	shall remain available in succeeding fiscal years to be		
48	used for the purposes designated.		
49	12. For transfer to the department of public health		
50	to support the department's activities relating to		

1	health and long-term care access as specified pursuant		
2	to chapter 135, division XXIV:		
3	.....	\$	67,107
4			<u>134,214</u>
5	13. For continuation of an accountable care		
6	organization pilot project:		
7	.....	\$	50,000
8			<u>100,000</u>
9	15. For transfer to the department of public health		
10	to be used as state matching funds for the health		
11	information technology system <u>network</u> developed by the		
12	department of public health:		
13	.....	\$	181,993
14			<u>363,987</u>
15	16. To supplement the appropriation for medical		
16	assistance:		
17	.....	\$	1,956,245
18	<u>17. For transfer to the department of public health</u>		<u>4,106,245</u>
19	<u>to be used for the mental health and disabilities</u>		
20	<u>services workforce development workgroup, if created by</u>		
21	<u>the Eighty-fourth General Assembly, 2012 Session:</u>		
22	.....	\$	25,000
23	Notwithstanding section 8.39, subsection 1, without		
24	the prior written consent and approval of the governor		
25	and the director of the department of management, the		
26	director of human services may transfer funds among		
27	the appropriations made in this section as necessary		
28	to carry out the purposes of the account for health		
29	care transformation. The department shall report		
30	any transfers made pursuant to this section to the		
31	legislative services agency.		
32	QUALITY ASSURANCE TRUST FUND		
33	Sec. 48. 2011 Iowa Acts, chapter 129, section 151,		
34	is amended to read as follows:		
35	SEC. 151. QUALITY ASSURANCE TRUST FUND —		
36	DEPARTMENT OF HUMAN SERVICES. Notwithstanding		
37	any provision to the contrary and subject to the		
38	availability of funds, there is appropriated from the		
39	quality assurance trust fund created in section 249L.4		
40	to the department of human services for the fiscal year		
41	beginning July 1, 2012, and ending June 30, 2013, the		
42	following amounts, or so much thereof as is necessary		
43	for the purposes designated:		
44	To supplement the appropriation made in this Act		
45	from the general fund of the state to the department of		
46	human services for medical assistance:		
47	.....	\$	29,000,000
48			<u>26,500,000</u>
49	HOSPITAL HEALTH CARE ACCESS TRUST FUND		
50	Sec. 49. 2011 Iowa Acts, chapter 129, section 152,		

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1 is amended to read as follows:

2 SEC. 152. HOSPITAL HEALTH CARE ACCESS TRUST FUND

3 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding

4 any provision to the contrary and subject to the

5 availability of funds, there is appropriated from

6 the hospital health care access trust fund created in

7 section 249M.4 to the department of human services for

8 the fiscal year beginning July 1, 2012, and ending June

9 30, 2013, the following amounts, or so much thereof as

10 is necessary, for the purposes designated:

11 1. To supplement the appropriation made in this Act
12 from the general fund of the state to the department of
13 human services for medical assistance:

14	\$	39,223,800
15		<u>33,898,400</u>

16 2. For deposit in the nonparticipating provider
17 reimbursement fund created in section 249J.24A to be
18 used for the purposes of the fund:

19	\$	776,200
20		<u>801,600</u>

21 MISCELLANEOUS PROVISIONS

22 Sec. 50. REPEAL. 2011 Iowa Acts, chapter 129,
23 sections 149 and 150, are repealed.

24 DIVISION VI

25 CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT
26 CONTINGENCY FUND

27 Sec. 51. CHILDREN'S HEALTH INSURANCE PROGRAM —
28 CHILD ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE
29 OF FUNDS — FY 2011–2012.

30 1. Moneys received from the federal government
31 through the child enrollment contingency fund
32 established pursuant to section 103 of the federal
33 Children's Health Insurance Program Reauthorization
34 Act of 2009, Pub. L. No. 111-3, are appropriated to
35 the department of human services for the fiscal year
36 beginning July 1, 2011, and ending June 30, 2012, to be
37 used in addition to any other amounts appropriated for
38 the same purposes for the fiscal year as follows:

39 a. For adoption subsidy payments and services:		
40	\$	2,177,355
41 b. For child care programs:		
42	\$	1,212,432
43 c. For transfer to the department of public health		
44 to be used for tobacco use prevention, cessation, and		
45 treatment through support of Quitline Iowa:		
46	\$	200,000

47 2. Notwithstanding section 8.39, and to the extent
48 that funds appropriated in this section are unexpended
49 or unobligated for the purposes specified in subsection
50 1, the department of human services may transfer funds

1 within or between any of the appropriations made in
2 this section for the following purposes:
3 a. For adoption subsidy payments and services.
4 b. For child care assistance.

5 Sec. 52. CHILDREN'S HEALTH INSURANCE PROGRAM —
6 CHILD ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR
7 USE OF FUNDS — FY 2012–2013. Moneys received from
8 the federal government through the child enrollment
9 contingency fund established pursuant to section 103
10 of the federal Children's Health Insurance Program
11 Reauthorization Act of 2009, Pub. L. No. 111-3, are
12 appropriated to the department of human services for
13 the fiscal year beginning July 1, 2012, and ending June
14 30, 2013, to be used in addition to any other amounts
15 appropriated for the same purposes for the fiscal year
16 as follows:

17 1. For mental health and disability services		
18 redesign technical assistance services:		
19	\$	500,000
20 2. For the field operations integrity claims unit:		
21	\$	961,100
22 3. For the child welfare resources fund created		
23 pursuant to this subsection:		
24	\$	1,000,000

25 A child welfare resources fund is created under
26 the control of the department of human services.
27 Notwithstanding section 8.33, moneys credited to
28 the fund shall not revert to any other fund and are
29 appropriated to the department to be used as provided
30 in this subsection. The department shall distribute
31 the moneys credited to the fund as grants to child
32 welfare service providers to support infrastructure
33 projects, supplies, equipment, renovations, and other
34 one-time expenses in connection with publicly funded
35 child welfare services.

36 Sec. 53. EFFECTIVE DATE PROVISIONS. The section of
37 this division of this Act appropriating moneys received
38 through the federal Child Enrollment Contingency Fund
39 for the fiscal year beginning July 1, 2011, and ending
40 June 30, 2012, being deemed of immediate importance,
41 take effect upon enactment.

42 Sec. 54. RETROACTIVE APPLICABILITY. The section of
43 this division of this Act appropriating moneys received
44 through the federal Child Enrollment Contingency Fund
45 for the fiscal year beginning July 1, 2011, and ending
46 June 30, 2012, applies retroactively to July 1, 2011.

DIVISION VII

MENTAL HEALTH AND DISABILITY SERVICES MEDICAL ASSISTANCE PROGRAM ADDITIONAL FUNDING

50 Sec. 55. RISK POOL APPROPRIATION FOR MEDICAL

1 ASSISTANCE PROGRAM. All moneys remaining in the risk
2 pool of the property tax relief fund on June 30,
3 2012, following the distributions made pursuant to
4 2012 Iowa Acts, Senate File 2071, are appropriated to
5 the department of human services for the fiscal year
6 beginning July 1, 2012, and ending June 30, 2013, to be
7 used for the purpose designated:

8 To be credited to the appropriation made for the
9 medical assistance program in 2011 Iowa Acts, chapter
10 129, section 122.

11 Sec. 56. MENTAL HEALTH AND DISABILITY SERVICES
12 REDESIGN.

13 There is appropriated from the general fund of the
14 state to the department of human services for the
15 fiscal year beginning July 1, 2012, and ending June 30,
16 2013, the following amount, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 For the medical assistance program appropriation
19 for the fiscal year for the expense of replacing
20 the enhanced match rate provided through the federal
21 American Recovery and Reinvestment Act of 2009 and
22 for the reduction in the federal medical assistance
23 percentage associated with the mental health and
24 disabilities services for which the match has been paid
25 by counties:

26 \$ 41,736,918

27 DIVISION VIII

28 PRIOR APPROPRIATIONS AND RELATED CHANGES
29 INJURED VETERANS GRANT PROGRAM

30 Sec. 57. 2008 Iowa Acts, chapter 1187, section 69,
31 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
32 chapter 182, section 83, 2010 Iowa Acts, chapter 1192,
33 section 56, and 2011 Iowa Acts, chapter 129, section
34 53, is amended to read as follows:

35 Notwithstanding section 8.33, moneys appropriated in
36 this subsection that remain unencumbered or unobligated
37 at the close of the fiscal year shall not revert but
38 shall remain available for expenditure for the purposes
39 designated until the close of the fiscal year beginning
40 July 1, ~~2011~~ 2012.

41 IOWA VETERANS HOME

42 Sec. 58. 2011 Iowa Acts, chapter 129, section 3,
43 subsection 2, is amended by adding the following new
44 paragraph:

45 NEW PARAGRAPH. d. The funds appropriated in this
46 subsection to the Iowa veterans home that remain
47 available for expenditure for the succeeding fiscal
48 year pursuant to section 35D.18, subsection 5, shall
49 be distributed to be used in the succeeding fiscal
50 year in accordance with this lettered paragraph. The

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1 first \$500,000 shall remain available to be used for
 2 the purposes of the Iowa veterans home. Any remaining
 3 balance shall be credited to the appropriation in this
 4 Act for the fiscal year beginning July 1, 2012, for
 5 medical assistance.

6 FAMILY INVESTMENT PROGRAM — GENERAL FUND

7 Sec. 59. 2011 Iowa Acts, chapter 129, section 7, is
 8 amended by adding the following new subsection:

9 NEW SUBSECTION. 5. Notwithstanding section
 10 8.33, moneys appropriated in this section that remain
 11 unencumbered or unobligated at the close of the fiscal
 12 year shall not revert but shall remain available for
 13 expenditure for the purposes designated until the close
 14 of the succeeding fiscal year.

15 MEDICAL ASSISTANCE

16 Sec. 60. 2011 Iowa Acts, chapter 129, section 10,
 17 subsection 20, paragraph d, is amended to read as
 18 follows:

19 d. If the savings to the medical assistance
 20 program exceed the cost, the department may transfer
 21 any savings generated for the fiscal year due to
 22 medical assistance program cost containment efforts
 23 initiated pursuant to 2010 Iowa Acts, chapter 1031,
 24 Executive Order No. 20, issued December 16, 2009, or
 25 cost containment strategies initiated pursuant to this
 26 subsection, to the ~~appropriation~~ appropriations made
 27 in this division of this Act for medical contracts or
 28 general administration to defray the increased contract
 29 costs associated with implementing such efforts.

30 BEHAVIORAL HEALTH SERVICES ACCOUNT — MEDICAL
 31 ASSISTANCE

32 Sec. 61. 2011 Iowa Acts, chapter 129, section 10,
 33 is amended by adding the following new subsection:

34 NEW SUBSECTION. 26. Notwithstanding 2009 Iowa
 35 Acts, chapter 182, section 9, subsection 16, paragraph
 36 “b”, as amended by 2010 Iowa Acts, chapter 1192,
 37 section 63, as amended by 2011 Iowa Acts, chapter
 38 129, section 54, funds in the account that remain
 39 unencumbered or unobligated at the end of the fiscal
 40 year beginning July 1, 2011, are appropriated to the
 41 department of human services to be used for the medical
 42 assistance program for the succeeding fiscal year.

43 STATE SUPPLEMENTARY ASSISTANCE

44 Sec. 62. 2011 Iowa Acts, chapter 129, section 11,
 45 is amended by adding the following new subsection:

46 NEW SUBSECTION. 4. Notwithstanding section
 47 8.33, moneys appropriated in this section that remain
 48 unencumbered or unobligated at the close of the fiscal
 49 year shall not revert but shall remain available for
 50 expenditure for the purposes designated until the close

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1 of the succeeding fiscal year.

2 FIELD OPERATIONS

3 Sec. 63. 2011 Iowa Acts, chapter 129, section
4 25, is amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
7 8.33, moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the close
11 of the succeeding fiscal year.

12 CHILD PROTECTION SYSTEM IMPROVEMENTS

13 Sec. 64. 2011 Iowa Acts, chapter 129, section 26,
14 subsection 5, is amended to read as follows:

15 5. Of the funds appropriated in this section,
16 \$500,000 shall be used for implementation of child
17 protection system improvements addressed in 2011
18 Iowa Acts, ~~House File 562, as enacted chapter 28.~~
19 Notwithstanding section 8.33, moneys allocated in this
20 subsection that remain unencumbered or unobligated
21 at the close of the fiscal year shall not revert but
22 shall remain available for expenditure for the purposes
23 designated until the close of the succeeding fiscal
24 year.

25 GENERAL ADMINISTRATION

26 Sec. 65. 2011 Iowa Acts, chapter 129, section 26,
27 is amended by adding the following new subsection:

28 NEW SUBSECTION. 6. Notwithstanding section
29 8.33, moneys appropriated in this section that remain
30 unencumbered or unobligated at the close of the fiscal
31 year shall not revert but shall remain available for
32 expenditure for the purposes designated until the close
33 of the succeeding fiscal year.

34 IOWACARE DISTRIBUTIONS

35 Sec. 66. 2011 Iowa Acts, chapter 129, section
36 35, subsection 4, paragraph a, is amended to read as
37 follows:

38 a. Notwithstanding any provision of law to the
39 contrary, the amount appropriated in this subsection
40 shall be distributed based on claims submitted,
41 adjudicated, and paid by the Iowa Medicaid enterprise
42 plus a monthly disproportionate share hospital payment.
43 Any amount appropriated in this subsection in excess
44 of ~~\$60,000,000~~ \$56,500,000 shall be distributed
45 only if the sum of the expansion population claims
46 adjudicated and paid by the Iowa Medicaid enterprise
47 plus the estimated disproportionate share hospital
48 payments exceeds ~~\$60,000,000~~ \$56,500,000. The amount
49 paid in excess of ~~\$60,000,000~~ \$56,500,000 shall
50 not adjust the original monthly payment amount but

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1 shall be distributed monthly based on actual claims
2 adjudicated and paid by the Iowa Medicaid enterprise
3 plus the estimated disproportionate share hospital
4 amount. Any amount appropriated in this subsection in
5 excess of ~~\$60,000,000~~ \$56,500,000 shall be allocated
6 only if federal funds are available to match the
7 amount allocated. Pursuant to paragraph "b", of the
8 amount appropriated in this subsection, not more than
9 \$4,000,000 shall be distributed for prescription drugs
10 and podiatry services.

11 Sec. 67. 2011 Iowa Acts, chapter 129, section 35,
12 subsection 4, paragraph d, subparagraph (2), is amended
13 to read as follows:

14 (2) Notwithstanding the amount collected and
15 distributed for deposit in the IowaCare account
16 pursuant to section 249J.24, subsection 4, paragraph
17 "a", subparagraph (2), the first \$19,000,000 in
18 collections pursuant to section 347.7 between January
19 1, 2012, and June 30, 2012, shall be distributed to
20 the treasurer of state for deposit in the IowaCare
21 account and collections during this time period in
22 excess of \$19,000,000 shall be distributed to the acute
23 care teaching hospital identified in this subsection.
24 ~~Of the collections in excess of the \$19,000,000~~
25 ~~received by the acute care teaching hospital under this~~
26 ~~subparagraph (2), \$2,000,000 shall be distributed by~~
27 ~~the acute care teaching hospital to the treasurer of~~
28 ~~state for deposit in the IowaCare account in the month~~
29 ~~of July 2012, following the January 1 through June 30,~~
30 ~~2012, period.~~

31 Sec. 68. IMMEDIATE EFFECTIVE DATE. This division
32 of this Act, being deemed of immediate importance,
33 takes effect upon enactment.

34 Sec. 69. RETROACTIVE APPLICABILITY. The
35 following sections of this division of this Act apply
36 retroactively to July 1, 2011:

37 1. The section relating to the transfer of funds
38 from costs savings under the medical assistance program
39 to appropriations for medical contracts or general
40 administration for the fiscal year beginning July 1,
41 2011, and ending June 30, 2012.

42 2. The section relating to the distribution of
43 IowaCare program funds.

44 DIVISION IX
45 MISCELLANEOUS

46 Sec. 70. Section 8A.512A, subsection 3, Code
47 Supplement 2011, is amended to read as follows:

48 3. a. For purposes of this section, "executive
49 branch employee" means an employee of the executive
50 branch as defined in section 7E.2, other than a

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1 member or employee of the state board of regents and
2 institutions under the control of the state board of
3 regents.

4 b. For purposes of this section, “out-of-state
5 travel” does not include out-of-state travel incidental
6 to travel between a travel departure point in this
7 state and a travel destination point in the city of
8 Carter Lake.

9 Sec. 71. Section 97B.39, Code 2011, is amended to
10 read as follows:

11 97B.39 Rights not transferable or subject to legal
12 process — exceptions.

13 The right of any person to any future payment under
14 this chapter is not transferable or assignable, at
15 law or in equity, and the moneys paid or payable or
16 rights existing under this chapter are not subject to
17 execution, levy, attachment, garnishment, or other
18 legal process, or to the operation of any bankruptcy
19 or insolvency law except for the purposes of enforcing
20 child, spousal, or medical support obligations or
21 marital property orders, or for recovery of medical
22 assistance payments pursuant to section 249A.5.
23 For the purposes of enforcing child, spousal, or
24 medical support obligations, the garnishment or
25 attachment of or the execution against compensation
26 due a person under this chapter shall not exceed
27 the amount specified in 15 U.S.C. § 1673(b). The
28 system shall comply with the provisions of a marital
29 property order requiring the selection of a particular
30 benefit option, designated beneficiary, or contingent
31 annuitant if the selection is otherwise authorized
32 by this chapter and the member has not received
33 payment of the member’s first retirement allowance.
34 However, a marital property order shall not require
35 the payment of benefits to an alternative payee prior
36 to the member’s retirement, prior to the date the
37 member elects to receive a lump sum distribution of
38 accumulated contributions pursuant to section 97B.53,
39 or in an amount that exceeds the benefits the member
40 would otherwise be eligible to receive pursuant to this
41 chapter.

42 Sec. 72. Section 135.63, subsection 2, Code 2011,
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. q. Any outpatient surgical facility
45 that meets all of the following conditions:

46 (1) Functions to provide treatment exclusively for
47 ophthalmic conditions, diseases, or disorders.

48 (2) As of July 1, 2012, is physically connected to
49 or in the same structure as the private practice office
50 of any physician participating as medical staff of the

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1 outpatient surgical facility.

2 (3) Is restricted to use by any such participating
3 physician.

4 (4) Is located in a city of greater than one
5 hundred twenty thousand but less than one hundred forty
6 thousand population.

7 Sec. 73. Section 135H.10, subsection 3, Code 2011,
8 is amended by striking the subsection.

9 Sec. 74. Section 144D.4, as enacted by 2012 Iowa
10 Acts, House File 2165, section 5, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 10. A POST form executed between
13 July 1, 2008, and June 30, 2012, as part of the patient
14 autonomy in health care decisions pilot project created
15 pursuant to 2008 Iowa Acts, chapter 1188, section 36,
16 as amended by 2010 Iowa Acts, chapter 1192, section 58,
17 shall remain effective until revoked or until a new
18 POST form is executed pursuant to this chapter.

19 Sec. 75. Section 256B.9, subsection 7, Code 2011,
20 is amended to read as follows:

21 7. a. The costs of special education instructional
22 programs include the costs of purchase of
23 transportation equipment to meet the special needs of
24 children requiring special education with the approval
25 of the director of the department of education.

26 b. The department of education shall administer
27 the costs of special education instructional programs
28 when contracted with a private agency that provides
29 residential treatment services to include the costs
30 of general administration, health service, attendance
31 officers, plant operation, and plant maintenance,
32 regular and special instructional costs, overhead
33 costs, and the costs of purchase of equipment,
34 transportation, and insurance to meet the special needs
35 of children requiring special education.

36 c. The state board of education shall adopt rules
37 under chapter 17A ~~for the purchase of transportation~~
38 ~~equipment pursuant to~~ administer this section.

39 Sec. 76. SPECIAL EDUCATION COSTS — LEGISLATIVE
40 STUDY. The legislative council is requested to
41 establish an interim study committee during the 2012
42 interim to examine the payment of special education
43 costs associated with student services provided in
44 residential treatment facilities and whether the
45 planning for and costs of such services would be
46 more appropriately administered by the department of
47 education or the department of human services.

48 Sec. 77. Section 225B.8, Code Supplement 2011, is
49 amended to read as follows:

50 225B.8 Repeal.

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1 This chapter is repealed July 1, ~~2012~~ 2013.

2 Sec. 78. CIVIL MONETARY PENALTIES — NURSING
3 FACILITY TRAINING — SEXUAL OFFENDERS. Of the funds
4 received by the department of human services through
5 civil monetary penalties from nursing facilities,
6 during the fiscal year beginning July 1, 2012, and
7 ending June 30, 2013, \$250,000 shall be used for
8 training of nursing facility staff relating to the
9 requirements of 2012 Iowa Acts, House File 2422, if
10 enacted.

11 Sec. 79. EFFECTIVE UPON ENACTMENT. The section
12 of this division of this Act amending section 256B.9,
13 being deemed of immediate importance, takes effect upon
14 enactment.

15 Sec. 80. RETROACTIVE APPLICABILITY. The section
16 of this division of this Act amending section 256B.9
17 applies retroactively to July 1, 2011.

18 DIVISION X

19 DISTRIBUTION OF FAMILY PLANNING FUNDS

20 Sec. 81. DISTRIBUTION OF FAMILY PLANNING FUNDS.

21 1. As used in this section, unless the context
22 otherwise requires:

23 a. “Department” means department as defined in
24 section 7E.4.

25 b. “Federally qualified health center” means a
26 health care provider that is eligible for federal
27 funding under 42 U.S.C. § 1396d(l)(2)(B).

28 2. Notwithstanding any other law to the contrary,
29 any expenditure, award, or other distribution of state
30 or federal family planning funds shall be made to
31 eligible applicants in the following order of priority:

32 a. Public entities that provide family planning
33 services including state, county, or local community
34 health clinics and federally qualified health centers.

35 b. Nonpublic entities that, in addition to family
36 planning services, provide required primary health
37 services as described in 42 U.S.C. § 254b(b)(1)(A).

38 c. Nonpublic entities that provide family planning
39 services but do not provide required primary health
40 services as described in 42 U.S.C. § 254b(b)(1)(A).

41 3. A department shall ensure distribution of
42 federal family planning funds in a manner that does not
43 severely limit or eliminate access to family planning
44 services in any region of the state.

45 4. A department shall not distribute state or
46 federal family planning funds under this section to
47 any entity that performs abortions or that maintains
48 or operates a facility where abortions are performed.
49 For the purposes of this section, “abortion” does not
50 include any of the following:

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1 a. The treatment of a woman for a physical
 2 disorder, physical injury, or physical illness,
 3 including a life-endangering physical condition caused
 4 by or arising from the pregnancy itself, that would,
 5 as certified by a physician, place the woman in danger
 6 of death.
 7 b. The treatment of a woman for a spontaneous
 8 abortion, commonly known as a miscarriage, when not all
 9 of the products of conception are expelled.
 10 5. State or federal family planning funds
 11 distributed in accordance with this section shall not
 12 be used for direct or indirect costs, including but not
 13 limited to administrative costs or expenses, overhead,
 14 employee salaries, rent, and telephone and other
 15 utilities, related to providing abortions as specified
 16 in subsection 4.
 17 6. Any department that distributes state or federal
 18 family planning funds shall submit a report to the
 19 governor and the general assembly, annually by December
 20 31, listing any entities receiving family planning
 21 funds as described in subsection 2, paragraph "c", and
 22 the amount and type of funds received by such entities
 23 during the preceding calendar year. The report shall
 24 provide a detailed explanation of how the department
 25 determined that distribution of family planning funds
 26 to such an entity, instead of to an entity described
 27 in subsection 2 paragraph "a" or "b", was necessary to
 28 prevent severe limitation or elimination of access to
 29 family planning services in the region of the state in
 30 which the entity is located.>

S-5222

- 1 Amend Senate File 2338 as follows:
 2 1. By striking page 39, line 25, through page 42,
 3 line 8.
 4 2. By renumbering as necessary.

BILL DIX

S-5223

- 1 Amend Senate File 2338 as follows:
 2 1. Page 2, by striking lines 10 through 31.
 3 2. By striking page 39, line 25, through page 42,
 4 line 8.
 5 3. Page 52, line 30, by striking <small business
 6 assistance> and inserting <~~small business assistance~~
 7 Iowa waste reduction>
 8 4. Page 53, line 13, by striking <small business

9 assistance> and inserting <~~small business assistance~~
 10 Iowa waste reduction>
 11 5. Page 55, after line 30 by inserting:
 12 <Sec. ____ Section 455D.5, subsection 2, paragraph
 13 h, Code 2011, is amended to read as follows:
 14 h. Promotion of the concentration of the efforts
 15 of the business and industry resource search service
 16 by the ~~small business assistance~~ Iowa waste reduction
 17 center for the safe and economic management of solid
 18 waste and hazardous substances at the university
 19 of northern Iowa, to locate existing waste streams
 20 and materials from businesses and industries which
 21 generate small amounts of waste and to catalyze the
 22 reuse of these materials in the production of goods and
 23 services.>
 24 6. By renumbering as necessary.

JEFF DANIELSON

S-5224

1 Amend Senate File 2338 as follows:
 2 1. Page 56, after line 26 by inserting:
 3 <DIVISION ____
 4 ADMINISTRATIVE RULES
 5 Sec. ____ NEW SECTION. 17A.4B Job impact
 6 statement.
 7 1. a. "Benefit" means the reasonably identifiable
 8 and quantifiable positive effect or outcome that is
 9 expected to result from implementation of a rule.
 10 b. "Cost" means reasonably identifiable,
 11 significant, direct or indirect, economic impact
 12 that is expected to result from implementation of and
 13 compliance with a rule.
 14 c. "Cost-benefit analysis" means regulatory analysis
 15 to provide the public with transparency regarding the
 16 cost-effectiveness of a rule, including the economic
 17 costs and the effectiveness weighed by the agency in
 18 adopting the rule. "Cost-benefit analysis" includes a
 19 comparison of the probable costs and benefits of a rule
 20 to the probable costs and benefits of less intrusive
 21 or less expensive methods that exist for achieving the
 22 purpose of the rule.
 23 d. "Jobs" means private sector employment including
 24 self-employment and areas for potential for employment
 25 growth.
 26 e. "Jobs impact statement" means a statement that
 27 does all of the following:
 28 (1) Identifies the objective of a rule and the
 29 applicable section of the statute that provides
 30 specific legal authority for the agency to adopt the
 31 rule.

32 (2) Identifies and describes the cost that the
33 agency anticipates state agencies, local governments,
34 the public, and the regulated entities, including
35 regulated businesses and self-employed individuals,
36 will incur due to the implementation of and complying
37 with a rule.

38 (3) Determines whether a rule would have a
39 positive or negative impact on private sector jobs and
40 employment opportunities in Iowa.

41 (4) Describes and quantifies the nature of the
42 impact a rule will have on private sector jobs and
43 employment opportunities including the categories of
44 jobs and employment opportunities that are affected
45 by the rule, and the number of jobs or potential job
46 opportunities and the regions of the state affected by
47 the rule.

48 (5) Identifies, where possible, the additional
49 costs to employers per employee due to implementation
50 of and complying with a rule.

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1 (6) Includes other relevant analysis requested by
2 the administrative rules coordinator.

3 2. Prior to implementation of a rule, an agency
4 shall take steps to minimize the adverse impact on jobs
5 and the development of new employment opportunities due
6 to implementation of the rule.

7 3. An agency shall provide a jobs impact statement
8 to the administrative rules coordinator prior to
9 publication of a notice of intended action or the
10 publication of a rule without notice.

11 4. The jobs impact statement shall be published as
12 part of the preamble to the notice of rulemaking in the
13 Iowa administrative bulletin, unless the administrative
14 rules coordinator determines that publication of the
15 entire jobs impact statement would be unnecessary or
16 impractical.

17 5. An agency shall accept comments and information
18 from stakeholders prior to final preparation of the
19 jobs impact statement. Any concerned private sector
20 employer or self-employed individual, potential
21 employer, potential small business, or member of the
22 public may submit information relating to a jobs impact
23 statement upon a request for information or prior
24 to publication of a notice of intended action by an
25 agency.

26 6. If a jobs impact statement is revised after a
27 notice of intended action is published, the revised
28 jobs impact statement shall be published as part of the
29 preamble to the adopted version of the rule, unless
30 the administrative rules coordinator determines that

31 publication of the entire jobs impact statement would
32 be unnecessary or impractical.

33 7. The analysis in the jobs impact statement shall
34 give particular weight to jobs in production sectors
35 of the economy which includes the manufacturing and
36 agricultural sectors of the economy and includes
37 analysis, where applicable, of the impact of the rule
38 on expansion of existing businesses or facilities.

39 8. The administrative rules coordinator may
40 waive the jobs impact statement requirement for rules
41 proposed on an emergency basis or if unnecessary or
42 impractical.

43 Sec. ____ Section 17A.7, subsection 2, Code 2011,
44 is amended by striking the subsection and inserting in
45 lieu thereof the following:

46 2. Beginning July 1, 2012, over each five-year
47 period of time, an agency shall conduct an ongoing
48 and comprehensive review of all of the agency's
49 rules. The goal of the review is the identification
50 and elimination of all rules of the agency that are

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1 outdated, redundant, or inconsistent or incompatible
2 with statute or its own rules or those of other
3 agencies. An agency shall commence its review by
4 developing a plan of review in consultation with major
5 stakeholders and constituent groups. When the agency
6 completes its five-year review of its rules, the
7 agency shall provide a summary of the results to the
8 administrative rule coordinator and the administrative
9 rules review committee.>

10 2. By renumbering as necessary.

JACK WHITVER
SHAWN HAMERLINCK
MARK CHELGREN
ROBERT BACON
NANCY J. BOETTGER
JONI ERNST
SANDRA GREINER
JAMES F. HAHN
KENT SORENSON
BILL ANDERSON
RICK BERTRAND
ROBY SMITH
DAVID JOHNSON
MERLIN BARTZ

S-5225

- 1 Amend the amendment, S-5220, to House File 2460,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 13, by striking lines 14 through 29.
 5 2. By renumbering as necessary.

MERLIN BARTZ

S-5226

- 1 Amend Senate File 2338 as follows:
 2 1. Page 50, by striking lines 2 through 15.
 3 2. Title page, line 2, by striking <atters,
 4 providing penalties,> and inserting <atters>
 5 3. By renumbering as necessary.

JEFF DANIELSON
 STEVE KETTERING

S-5227

- 1 Amend the House amendment, S-5221, to Senate File
 2 2336, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 1, through page 63,
 5 line 30, and inserting:
 6 <Amend Senate File 2336, as amended, passed, and
 7 reprinted by the Senate, as follows:
 8 _____. By striking everything after the enacting
 9 clause and inserting:
 10 <DIVISION I
 11 DEPARTMENT ON AGING
 12 Section 1. 2011 Iowa Acts, chapter 129, section
 13 113, is amended to read as follows:
 14 SEC. 113. DEPARTMENT ON AGING. There is
 15 appropriated from the general fund of the state to
 16 the department on aging for the fiscal year beginning
 17 July 1, 2012, and ending June 30, 2013, the following
 18 amount, or so much thereof as is necessary, to be used
 19 for the purposes designated:
 20 For aging programs for the department on aging and
 21 area agencies on aging to provide citizens of Iowa who
 22 are 60 years of age and older with case management for
 23 frail elders, Iowa's aging and disabilities resource
 24 center, and other services which may include but are
 25 not limited to adult day services, respite care, chore
 26 services, information and assistance, and material aid,
 27 for information and options counseling for persons with
 28 disabilities who are 18 years of age or older, and
 29 for salaries, support, administration, maintenance,

30 and miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32	\$	<u>5,151,288</u>
33		<u>10,402,577</u>
34	FTEs	35.00 <u>36.00</u>

35 1. Funds appropriated in this section may be used
 36 to supplement federal funds under federal regulations.
 37 To receive funds appropriated in this section, a local
 38 area agency on aging shall match the funds with moneys
 39 from other sources according to rules adopted by the
 40 department. Funds appropriated in this section may be
 41 used for elderly services not specifically enumerated
 42 in this section only if approved by an area agency on
 43 aging for provision of the service within the area.

44 ~~2. The amount appropriated in this section includes~~
 45 ~~additional funding of \$225,000 for delivery of~~
 46 ~~long term care services to seniors with low or moderate~~
 47 ~~incomes.~~

48 3. Of the funds appropriated in this section,
 49 ~~\$89,973~~ \$179,946 shall be transferred to the department
 50 of economic development for the Iowa commission on

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1 volunteer services to be used for the retired and
 2 senior volunteer program.

3 4. a. The department on aging shall establish and
 4 enforce procedures relating to expenditure of state and
 5 federal funds by area agencies on aging that require
 6 compliance with both state and federal laws, rules, and
 7 regulations, including but not limited to all of the
 8 following:

9 (1) Requiring that expenditures are incurred only
 10 for goods or services received or performed prior to
 11 the end of the fiscal period designated for use of the
 12 funds.

13 (2) Prohibiting prepayment for goods or services
 14 not received or performed prior to the end of the
 15 fiscal period designated for use of the funds.

16 (3) Prohibiting the prepayment for goods or
 17 services not defined specifically by good or service,
 18 time period, or recipient.

19 (4) Prohibiting the establishment of accounts from
 20 which future goods or services which are not defined
 21 specifically by good or service, time period, or
 22 recipient, may be purchased.

23 b. The procedures shall provide that if any funds
 24 are expended in a manner that is not in compliance with
 25 the procedures and applicable federal and state laws,
 26 rules, and regulations, and are subsequently subject
 27 to repayment, the area agency on aging expending such
 28 funds in contravention of such procedures, laws, rules

29 and regulations, not the state, shall be liable for
30 such repayment.

31 5. Of the funds appropriated in this section,
32 \$100,000 shall be used to provide an additional local
33 long-term care resident’s advocate to administer the
34 certified volunteer long-term care resident’s advocate
35 program pursuant to section 231.45 as enacted in this
36 2012 Act. It is the intent of the general assembly
37 that the number of local long-term care resident’s
38 advocates as provided in section 231.42 be increased
39 each year until 15 local long-term care resident’s
40 advocates are available in the state.

41 DIVISION II

42 DEPARTMENT OF PUBLIC HEALTH

43 Sec. 2. 2011 Iowa Acts, chapter 129, section 114,
44 is amended to read as follows:

45 SEC. 114. DEPARTMENT OF PUBLIC HEALTH. There is
46 appropriated from the general fund of the state to
47 the department of public health for the fiscal year
48 beginning July 1, 2012, and ending June 30, 2013, the
49 following amounts, or so much thereof as is necessary,
50 to be used for the purposes designated:

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1 1. ADDICTIVE DISORDERS

2 For reducing the prevalence of use of tobacco,
3 alcohol, and other drugs, and treating individuals
4 affected by addictive behaviors, including gambling,
5 and for not more than the following full-time
6 equivalent positions:

7	\$	<u>11,751,595</u>
8		<u>25,653.190</u>
9	FTEs	13.00

10 a. (1) Of the funds appropriated in this
11 subsection, ~~\$1,626,915~~ \$5,403,830 shall be used for
12 the tobacco use prevention and control initiative,
13 including efforts at the state and local levels, as
14 provided in chapter 142A. The commission on tobacco
15 use prevention and control established pursuant to
16 section 142A.3 shall advise the director of public
17 health in prioritizing funding needs and the allocation
18 of moneys appropriated for the programs and activities
19 of the initiative under this subparagraph (1) and shall
20 make recommendations to the director in the development
21 of budget requests relating to the initiative.

22 (2) (a) Of the funds allocated in this paragraph
23 “a”, ~~\$226,915~~ \$453,830 shall be transferred to the
24 alcoholic beverages division of the department of
25 commerce for enforcement of tobacco laws, regulations,
26 and ordinances in accordance with 2011 Iowa Acts, ~~House~~
27 ~~File 467, as enacted chapter 63.~~

28 (b) For the fiscal year beginning July 1, 2012,
29 and ending June 30, 2013, the terms of a chapter
30 28D agreement, entered into between the division of
31 tobacco use prevention and control of the department
32 of public health and the alcoholic beverages division
33 of the department of commerce, governing compliance
34 checks conducted to ensure licensed retail tobacco
35 outlet conformity with tobacco laws, regulations, and
36 ordinances relating to persons under eighteen years of
37 age, shall restrict the number of such checks to one
38 check per retail outlet, and one additional check for
39 any retail outlet found to be in violation during the
40 first check.

41 b. Of the funds appropriated in this subsection,
42 ~~\$10,124,680~~ \$20,249,360 shall be used for problem
43 gambling and substance abuse prevention, treatment,
44 and recovery services, including a 24-hour helpline,
45 public information resources, professional training,
46 and program evaluation.

47 (1) Of the funds allocated in this paragraph "b",
48 ~~\$8,566,254~~ \$17,132,508 shall be used for substance
49 abuse prevention and treatment.

50 (a) Of the funds allocated in this subparagraph

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1 (1), ~~\$449,650~~ \$899,300 shall be used for the public
2 purpose of a grant program to provide substance abuse
3 prevention programming for children.

4 (i) Of the funds allocated in this subparagraph
5 division (a), ~~\$213,769~~ \$427,539 shall be used for grant
6 funding for organizations that provide programming for
7 children by utilizing mentors. Programs approved for
8 such grants shall be certified or will be certified
9 within six months of receiving the grant award by the
10 Iowa commission on volunteer services as utilizing
11 the standards for effective practice for mentoring
12 programs.

13 (ii) Of the funds allocated in this subparagraph
14 division (a), ~~\$213,419~~ \$426,839 shall be used for grant
15 funding for organizations that provide programming
16 that includes youth development and leadership. The
17 programs shall also be recognized as being programs
18 that are scientifically based with evidence of their
19 effectiveness in reducing substance abuse in children.

20 (iii) The department of public health shall utilize
21 a request for proposals process to implement the grant
22 program.

23 (iv) All grant recipients shall participate in a
24 program evaluation as a requirement for receiving grant
25 funds.

26 (v) Of the funds allocated in this subparagraph

27 division (a), up to ~~\$22,461~~ \$44,922 may be used to
 28 administer substance abuse prevention grants and for
 29 program evaluations.

30 (b) Of the funds allocated in this subparagraph
 31 (1), ~~\$136,531~~ \$273,062 shall be used for culturally
 32 competent substance abuse treatment pilot projects.

33 (i) The department shall utilize the amount
 34 allocated in this subparagraph division (b) for at
 35 least three pilot projects to provide culturally
 36 competent substance abuse treatment in various areas
 37 of the state. Each pilot project shall target a
 38 particular ethnic minority population. The populations
 39 targeted shall include but are not limited to African
 40 American, Asian, and Latino.

41 (ii) The pilot project requirements shall provide
 42 for documentation or other means to ensure access
 43 to the cultural competence approach used by a pilot
 44 project so that such approach can be replicated and
 45 improved upon in successor programs.

46 (2) Of the funds allocated in this paragraph "b",
 47 up to ~~\$1,558,426~~ \$3,116,852 may be used for problem
 48 gambling prevention, treatment, and recovery services.

49 (a) Of the funds allocated in this subparagraph
 50 (2), ~~\$1,289,500~~ \$2,579,000 shall be used for problem

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1 gambling prevention and treatment.

2 (b) Of the funds allocated in this subparagraph
 3 (2), up to ~~\$218,926~~ \$437,852 may be used for a 24-hour
 4 helpline, public information resources, professional
 5 training, and program evaluation.

6 (c) Of the funds allocated in this subparagraph
 7 (2), up to ~~\$50,000~~ \$100,000 may be used for the
 8 licensing of problem gambling treatment programs.

9 (3) It is the intent of the general assembly that
 10 from the moneys allocated in this paragraph "b",
 11 persons with a dual diagnosis of substance abuse
 12 and gambling addictions shall be given priority in
 13 treatment services.

14 c. Notwithstanding any provision of law to the
 15 contrary, to standardize the availability, delivery,
 16 cost of delivery, and accountability of problem
 17 gambling and substance abuse treatment services
 18 statewide, the department shall continue implementation
 19 of a process to create a system for delivery of
 20 treatment services in accordance with the requirements
 21 specified in 2008 Iowa Acts, chapter 1187, section
 22 3, subsection 4. To ensure the system provides a
 23 continuum of treatment services that best meets the
 24 needs of Iowans, the problem gambling and substance
 25 abuse treatment services in any area may be provided

26 either by a single agency or by separate agencies
27 submitting a joint proposal.

28 (1) The system for delivery of substance abuse
29 and problem gambling treatment shall include problem
30 gambling prevention.

31 (2) The system for delivery of substance abuse and
32 problem gambling treatment shall include substance
33 abuse prevention by July 1, 2014.

34 (3) Of the funds allocated in paragraph "b",
35 the department may use up to ~~\$50,000~~ \$100,000 for
36 administrative costs to continue developing and
37 implementing the process in accordance with this
38 paragraph "c".

39 d. The requirement of section 123.53, subsection
40 5, is met by the appropriations and allocations made
41 in this Act for purposes of substance abuse treatment
42 and addictive disorders for the fiscal year beginning
43 July 1, 2012.

44 e. The department of public health shall work
45 with all other departments that fund substance
46 abuse prevention and treatment services and all
47 such departments shall, to the extent necessary,
48 collectively meet the state maintenance of effort
49 requirements for expenditures for substance abuse
50 services as required under the federal substance abuse

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1 prevention and treatment block grant.
2 f. The department shall amend or otherwise
3 revise departmental policies and contract provisions
4 in order to eliminate free t-shirt distribution,
5 banner production, and other unnecessary promotional
6 expenditures.

7 2. HEALTHY CHILDREN AND FAMILIES

8 For promoting the optimum health status for
9 children, adolescents from birth through 21 years of
10 age, and families, and for not more than the following
11 full-time equivalent positions:

12	\$	1,207,135
13		2,694,270
14	FTEs	10.00

15 a. Of the funds appropriated in this subsection,
16 not more than ~~\$369,659~~ \$739,318 shall be used for
17 the healthy opportunities to experience success
18 (HOPES)-healthy families Iowa (HFI) program established
19 pursuant to section 135.106. The funding shall be
20 distributed to renew the grants that were provided
21 to the grantees that operated the program during the
22 fiscal year ending June 30, 2012.

23 Ob. (1) In order to implement the legislative
24 intent stated in sections 135.106 and 256I.9, that

25 priority for home visitation program funding be given
26 to programs using evidence-based or promising models
27 for home visitation, it is the intent of the general
28 assembly to phase-in the funding priority as follows:
29 (a) By July 1, 2013, 25 percent of state
30 funds expended for home visiting programs are for
31 evidence-based or promising program models.
32 (b) By July 1, 2014, 50 percent of state
33 funds expended for home visiting programs are for
34 evidence-based or promising program models.
35 (c) By July 1, 2015, 75 percent of state
36 funds expended for home visiting programs are for
37 evidence-based or promising program models.
38 (d) By July 1, 2016, 90 percent of state
39 funds expended for home visiting programs are for
40 evidence-based or promising program models. The
41 remaining 10 percent of funds may be used for
42 innovative program models that do not yet meet the
43 definition of evidence-based or promising programs.
44 (2) For the purposes of this lettered paragraph,
45 unless the context otherwise requires:
46 (a) "Evidence-based program" means a program that
47 is based on scientific evidence demonstrating that
48 the program model is effective. An evidence-based
49 program shall be reviewed onsite and compared to
50 program model standards by the model developer or the

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1 developer's designee at least every five years to
2 ensure that the program continues to maintain fidelity
3 with the program model. The program model shall have
4 had demonstrated significant and sustained positive
5 outcomes in an evaluation utilizing a well-designed and
6 rigorous randomized controlled research design or a
7 quasi-experimental research design, and the evaluation
8 results shall have been published in a peer-reviewed
9 journal.
10 (b) "Family support programs" includes group-based
11 parent education or home visiting programs that are
12 designed to strengthen protective factors, including
13 parenting skills, increasing parental knowledge of
14 child development, and increasing family functioning
15 and problem solving skills. A family support program
16 may be used as an early intervention strategy to
17 improve birth outcomes, parental knowledge, family
18 economic success, the home learning environment, family
19 and child involvement with others, and coordination
20 with other community resources. A family support
21 program may have a specific focus on preventing child
22 maltreatment or ensuring children are safe, healthy,
23 and ready to succeed in school.

24 (c) “Promising program” means a program that meets
25 all of the following requirements:

26 (i) The program conforms to a clear, consistent
27 family support model that has been in existence for at
28 least three years.

29 (ii) The program is grounded in relevant
30 empirically-based knowledge.

31 (iii) The program is linked to program-determined
32 outcomes.

33 (iv) The program is associated with a national
34 or state organization that either has comprehensive
35 program standards that ensure high-quality service
36 delivery and continuous program quality improvement
37 or the program model has demonstrated through the
38 program’s benchmark outcomes that the program has
39 achieved significant positive outcomes equivalent
40 to those achieved by program models with published
41 significant and sustained results in a peer-reviewed
42 journal.

43 (v) The program has been awarded the Iowa family
44 support credential and has been reviewed onsite
45 at least every five years to ensure the program’s
46 adherence to the Iowa family support standards approved
47 by the early childhood Iowa state board created in
48 section 256I.3 or a comparable set of standards. The
49 onsite review is completed by an independent review
50 team that is not associated with the program or the

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1 organization administering the program.

2 (3) (a) The data reporting requirements applicable
3 to the HOPES-HFI program services shall include the
4 requirements adopted by the early childhood Iowa state
5 board pursuant to section 256I.4 for the family support
6 programs targeted to families expecting a child or
7 with newborn and infant children through age five and
8 funded through the state board. The department of
9 public health may specify additional data reporting
10 requirements for the HOPES-HFI program services.
11 The HOPES-HFI program services shall be required to
12 participate in a state administered internet-based
13 data collection system by July 1, 2013. The annual
14 reporting concerning the HOPES-HFI program services
15 shall include program outcomes beginning with the 2015
16 report.

17 (b) The data on families served that is collected
18 by the HOPES-HFI program shall include but is not
19 limited to basic demographic information, services
20 received, funding utilized, and program outcomes for
21 the children and families served.

22 (c) The HOPES-HFI program shall work with the early

23 childhood Iowa state board in the state board's efforts
 24 to identify minimum competency standards for the
 25 employees and supervisors of family support programs
 26 funded. The HOPES-HFI program, along with the state
 27 board, shall submit recommendations concerning the
 28 standards to the governor and general assembly on or
 29 before January 1, 2014.

30 (d) On or before January 1, 2013, the HOPES-HFI
 31 program shall adopt criminal and child abuse record
 32 check requirements for the employees and supervisors of
 33 family support programs funded through the program.

34 (e) The HOPES-HFI program shall work with the early
 35 childhood Iowa state board in the state board's efforts
 36 to develop a plan to implement a coordinated intake and
 37 referral process for publicly funded family support
 38 programs in order to engage the families expecting a
 39 child or with newborn and infant children through age
 40 five in all communities in the state by July 1, 2015.

41 b. Of the funds appropriated in this subsection,
 42 ~~\$164,942~~ \$329,885 shall be used to continue to address
 43 the healthy mental development of children from birth
 44 through five years of age through local evidence-based
 45 strategies that engage both the public and private
 46 sectors in promoting healthy development, prevention,
 47 and treatment for children. ~~The department shall work~~
 48 with the department of human services, Iowa Medicaid
 49 enterprise, to develop a plan to secure matching
 50 medical assistance program funding to provide services

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1 under this paragraph, which may include a per member
 2 per month payment to reimburse the care coordination
 3 and community outreach services component that links
 4 young children and their families with identified
 5 service needs.

6 c. Of the funds appropriated in this subsection,
 7 ~~\$15,798~~ \$31,597 shall be distributed to a statewide
 8 dental carrier to provide funds to continue the donated
 9 dental services program patterned after the projects
 10 developed by the lifeline network to provide dental
 11 services to indigent elderly and disabled individuals.

12 d. Of the funds appropriated in this subsection,
 13 ~~\$56,338~~ \$112,677 shall be used for childhood obesity
 14 prevention.

15 e. Of the funds appropriated in this subsection,
 16 ~~\$81,880~~ \$163,760 shall be used to provide audiological
 17 services and hearing aids for children. The department
 18 may enter into a contract to administer this paragraph.

19 f. Of the funds appropriated in this subsection,
 20 \$100,000 shall be transferred to the university of Iowa
 21 college of dentistry for provision of primary dental

22 services to children. State funds shall be matched
 23 on a dollar-for-dollar basis. The university of Iowa
 24 college of dentistry shall coordinate efforts with the
 25 department of public health, bureau of oral health,
 26 to provide dental care to underserved populations
 27 throughout the state.

28 3. CHRONIC CONDITIONS

29 For serving individuals identified as having chronic
 30 conditions or special health care needs, and for not
 31 more than the following full-time equivalent positions:

32	\$	<u>1,680,828</u>
33		<u>3,919,028</u>
34	FTEs	<u>4.00</u>
35		<u>5.00</u>

36 a. Of the funds appropriated in this subsection,
 37 ~~\$80,291~~ \$160,582 shall be used for grants to individual
 38 patients who have phenylketonuria (PKU) to assist with
 39 the costs of necessary special foods.

40 b. Of the funds appropriated in this subsection,
 41 ~~\$241,800~~ \$483,600 is allocated for continuation of
 42 the contracts for resource facilitator services in
 43 accordance with section 135.22B, subsection 9, and
 44 for brain injury training services and recruiting of
 45 service providers to increase the capacity within this
 46 state to address the needs of individuals with brain
 47 injuries and such individuals' families.

48 c. Of the funds appropriated in this subsection,
 49 ~~\$249,437~~ \$550,000 shall be used as additional funding
 50 to leverage federal funding through the federal Ryan

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1 White Care Act, Tit. II, AIDS drug assistance program
 2 supplemental drug treatment grants.

3 d. Of the funds appropriated in this subsection,
 4 ~~\$15,627~~ \$50,000 shall be used for the public purpose of
 5 providing a grant to an existing national-affiliated
 6 organization to provide education, client-centered
 7 programs, and client and family support for people
 8 living with epilepsy and their families.

9 e. Of the funds appropriated in this subsection,
 10 ~~\$394,151~~ \$788,303 shall be used for child health
 11 specialty clinics.

12 f. Of the funds appropriated in this subsection,
 13 ~~\$248,533~~ \$497,065 shall be used for the comprehensive
 14 cancer control program to reduce the burden of cancer
 15 in Iowa through prevention, early detection, effective
 16 treatment, and ensuring quality of life. Of the funds
 17 allocated in this lettered paragraph, ~~\$75,000~~ \$150,000
 18 shall be used to support a melanoma research symposium,
 19 a melanoma biorepository and registry, basic and
 20 translational melanoma research, and clinical trials.

21 g. Of the funds appropriated in this subsection,
22 ~~\$63,225~~ \$126,450 shall be used for cervical and colon
23 cancer screening.

24 h. Of the funds appropriated in this subsection,
25 ~~\$264,417~~ \$528,834 shall be used for the center for
26 congenital and inherited disorders. A portion of
27 the funds allocated in this lettered paragraph may
28 be used for one full-time equivalent position for
29 administration of the center.

30 i. Of the funds appropriated in this subsection,
31 ~~\$64,968~~ \$129,937 shall be used for the prescription
32 drug donation repository program created in chapter
33 135M.

34 j. For provision of early prevention screening
35 by pap smear and advanced screening by colposcope for
36 women with incomes below 250 percent of the federal
37 poverty level, as defined by the most recently revised
38 poverty income guidelines issued by the United States
39 department of health and human services, who are
40 not covered by a third-party payer health policy or
41 contract that pays for such procedures and related
42 laboratory services:

43 \$ 500,000

44 The department shall distribute the amount
45 appropriated in this lettered paragraph to providers
46 on behalf of eligible persons within the target
47 population.

48 4. COMMUNITY CAPACITY

49 For strengthening the health care delivery system at
50 the local level, and for not more than the following

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1 full-time equivalent positions:
2 \$ 2,117,583
3 5,485.547
4 FTEs 14.00

5 a. Of the funds appropriated in this subsection,
6 ~~\$50,000~~ \$100,000 is allocated for a child vision
7 screening program implemented through the university of
8 Iowa hospitals and clinics in collaboration with early
9 childhood Iowa areas.

10 b. Of the funds appropriated in this subsection,
11 ~~\$55,654~~ \$111,308 is allocated for continuation of an
12 initiative implemented at the university of Iowa and
13 ~~\$50,246~~ \$100,493 is allocated for continuation of an
14 initiative at the state mental health institute at
15 Cherokee to expand and improve the workforce engaged in
16 mental health treatment and services. The initiatives
17 shall receive input from the university of Iowa, the
18 department of human services, the department of public
19 health, and the mental health and disability services

20 commission to address the focus of the initiatives.
 21 c. Of the funds appropriated in this subsection,
 22 ~~\$585,745~~ \$1,171,491 shall be used for essential public
 23 health services that promote healthy aging throughout
 24 the lifespan, contracted through a formula for local
 25 boards of health, to enhance health promotion and
 26 disease prevention services.
 27 d. Of the funds appropriated in this section,
 28 ~~\$60,908~~ \$121,817 shall be deposited in the governmental
 29 public health system fund created in section 135A.8 to
 30 be used for the purposes of the fund.
 31 e. Of the funds appropriated in this subsection,
 32 ~~\$72,271~~ \$144,542 shall be used for the mental health
 33 professional shortage area program implemented pursuant
 34 to section 135.80.
 35 f. Of the funds appropriated in this subsection,
 36 ~~\$19,131~~ \$38,263 shall be used for a grant to a
 37 statewide association of psychologists that is
 38 affiliated with the American psychological association
 39 to be used for continuation of a program to rotate
 40 intern psychologists in placements in urban and rural
 41 mental health professional shortage areas, as defined
 42 in section ~~135.80~~ 135.180.
 43 g. Of the funds appropriated in this subsection,
 44 the following amounts shall be allocated to the Iowa
 45 collaborative safety net provider network established
 46 pursuant to section 135.153 to be used for the purposes
 47 designated. The following amounts allocated under
 48 this lettered paragraph shall be distributed to
 49 the specified provider and shall not be reduced for
 50 administrative or other costs prior to distribution:

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1	(1) For distribution to the Iowa primary care	
2	association for statewide coordination of the Iowa	
3	collaborative safety net provider network:	
4	.....	\$ 66,200
5		<u>150,000</u>
6	<u>(1A) For distribution to the Iowa primary care</u>	
7	<u>association to be used for the following women's health</u>	
8	<u>initiatives:</u>	
9	<u>(a) To establish a grant program for training</u>	
10	<u>sexual assault response team (SART) members, including</u>	
11	<u>representatives of law enforcement, victim advocates,</u>	
12	<u>prosecutors, and certified medical personnel:</u>	
13	.....	\$ 50,000
14	<u>(b) To promote access to primary and preventive</u>	
15	<u>health care and for provision of assistance to patients</u>	
16	<u>in determining an appropriate medical home:</u>	
17	.....	\$ 75,000
18	<u>(1B) For distribution to federally qualified</u>	

19	<u>health centers for necessary infrastructure, statewide</u>		
20	<u>coordination, provider recruitment, service delivery,</u>		
21	<u>and provision of assistance to patients in determining</u>		
22	<u>an appropriate medical home:</u>		
23	.....	\$	<u>125,000</u>
24	(2) For distribution to the local boards of health		
25	that provide direct services for pilot programs in		
26	three counties to assist patients in determining an		
27	appropriate medical home:		
28	.....	\$	<u>38,804</u>
29			<u>77,609</u>
30	(3) For distribution to maternal and child health		
31	centers for pilot programs in three counties to assist		
32	patients in determining an appropriate medical home:		
33	.....	\$	<u>38,804</u>
34			<u>100,000</u>
35	(4) For distribution to free clinics for necessary		
36	infrastructure, statewide coordination, provider		
37	recruitment, service delivery, and provision of		
38	assistance to patients in determining an appropriate		
39	medical home:		
40	.....	\$	<u>62,025</u>
41			<u>424,050</u>
42	(5) For distribution to rural health clinics for		
43	necessary infrastructure, statewide coordination,		
44	provider recruitment, service delivery, and provision		
45	of assistance to patients in determining an appropriate		
46	medical home:		
47	.....	\$	<u>55,215</u>
48			<u>150,000</u>
49	(6) For continuation of the safety net provider		
50	patient access to specialty health care initiative as		

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1	described in 2007 Iowa Acts, chapter 218, section 109:		
2	\$	<u>130,000</u>
3			<u>400,000</u>
4	(7) For continuation of the pharmaceutical		
5	infrastructure for safety net providers as described in		
6	2007 Iowa Acts, chapter 218, section 108:		
7	.....	\$	<u>135,000</u>
8			<u>435,000</u>
9	The Iowa collaborative safety net provider network		
10	may continue to distribute funds allocated pursuant to		
11	this lettered paragraph through existing contracts or		
12	renewal of existing contracts.		
13	h. (1) Of the funds appropriated in this		
14	subsection, \$74,500 shall be used for continued		
15	implementation of the recommendations of the direct		
16	care worker task force established pursuant to 2005		
17	Iowa Acts, chapter 88, based upon the report submitted		

18 ~~to the governor and the general assembly in December~~
19 ~~2006. The department may use a portion of the funds~~
20 ~~allocated in this lettered paragraph for an additional~~
21 ~~position to assist in the continued implementation.~~

22 i. (1) Of the funds appropriated in this
23 subsection, ~~\$65,050~~ \$145,100 shall be used for
24 allocation to an independent statewide direct care
25 worker association that serves the entirety of the
26 direct care workforce under a contract with terms
27 determined by the director of public health relating
28 to education, outreach, leadership development,
29 mentoring, and other initiatives intended to enhance
30 the recruitment and retention of direct care workers in
31 health care and long-term care settings.

32 (2) Of the funds appropriated in this subsection,
33 ~~\$29,000~~ \$58,000 shall be used to provide scholarships
34 or other forms of subsidization for direct care
35 worker educational conferences, training, or outreach
36 activities.

37 j. Of the funds appropriated in this subsection,
38 the department may use up to ~~\$29,250~~ \$58,518 for up to
39 one full-time equivalent position to administer the
40 volunteer health care provider program pursuant to
41 section 135.24.

42 k. Of the funds appropriated in this subsection,
43 ~~\$25,000~~ \$50,000 shall be used for a matching dental
44 education loan repayment program to be allocated to a
45 dental nonprofit health service corporation to develop
46 the criteria and implement the loan repayment program.

47 l. Of the funds appropriated in this subsection,
48 \$250,000 shall be used as state matching funds for
49 the primary care provider recruitment and retention
50 endeavor established pursuant to section 135.107.

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1 Notwithstanding any provision to the contrary
2 including whether a community is located in a federally
3 designated health professional shortage area, the funds
4 shall be used for loans to medical students who upon
5 receiving a permanent license in this state will engage
6 in the full-time practice of medicine and surgery or
7 osteopathic medicine and surgery specializing in family
8 medicine, pediatrics, psychiatry, internal medicine,
9 or general surgery in a city within the state with a
10 population of less than 26,000 that is located more
11 than 20 miles from a city with a population of 50,000
12 or more. The department may adopt rules pursuant to
13 chapter 17A to implement this paragraph "l".

14 m. Of the funds appropriated in this subsection,
15 \$100,000 shall be used for the purposes of the Iowa
16 donor registry as specified in section 142C.18.

17 n. Of the funds appropriated in this subsection,
 18 \$100,000 shall be used for continuation of a grant to a
 19 nationally affiliated volunteer eye organization that
 20 has an established program for children and adults
 21 and that is solely dedicated to preserving sight and
 22 preventing blindness through education, nationally
 23 certified vision screening and training, and community
 24 and patient service programs.

25 5. HEALTHY AGING

26 To provide public health services that reduce risks
 27 and invest in promoting and protecting good health over
 28 the course of a lifetime with a priority given to older
 29 Iowans and vulnerable populations:

30 \$ 3,648,571
 31 7,297,142

32 a. Of the funds appropriated in this subsection,
 33 ~~\$1,004,593~~ \$2,009,187 shall be used for local public
 34 health nursing services.

35 b. Of the funds appropriated in this subsection,
 36 ~~\$2,648,977~~ \$5,287,955 shall be used for home care aide
 37 services.

38 6. ENVIRONMENTAL HAZARDS

39 For reducing the public's exposure to hazards in the
 40 environment, primarily chemical hazards, and for not
 41 more than the following full-time equivalent positions:

42 \$ 406,888
 43 813,777
 44 FTEs 4.00

45 Of the funds appropriated in this subsection,
 46 ~~\$272,188~~ \$544,377 shall be used for childhood lead
 47 poisoning provisions.

48 7. INFECTIOUS DISEASES

49 a. For reducing the incidence and prevalence
 50 of communicable diseases, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 672,923
 3 2,395,847
 4 FTEs 4.00

5 b. For the human papillomavirus vaccination public
 6 awareness program in accordance with section 135.11,
 7 subsection 31, as enacted by this Act:

8 \$ 50,000

9 The department of public health may seek private
 10 sector moneys for the purpose of supporting the public
 11 awareness program.

12 c. For provision of vaccinations for human
 13 papillomavirus to persons age 19 through 26 with
 14 incomes below 300 percent of the federal poverty level,
 15 as defined by the most recently revised poverty income

16 guidelines issued by the United States department of
 17 health and human services, who are not covered by a
 18 third-party payer health policy or contract that pays
 19 for such vaccinations:
 20 \$ 1,000,000

21 The department shall distribute the amount
 22 appropriated in this lettered paragraph to providers
 23 on behalf of eligible persons within the target
 24 population.

25 8. PUBLIC PROTECTION

26 For protecting the health and safety of the
 27 public through establishing standards and enforcing
 28 regulations, and for not more than the following
 29 full-time equivalent positions:

30 \$ 1,388,116
 31 3,216,567
 32 FTEs 125.00

33 a. Of the funds appropriated in this subsection,
 34 not more than ~~\$235,845~~ \$471,690 shall be credited to
 35 the emergency medical services fund created in section
 36 135.25. Moneys in the emergency medical services fund
 37 are appropriated to the department to be used for the
 38 purposes of the fund.

39 b. Of the funds appropriated in this subsection,
 40 ~~\$105,300~~ \$210,619 shall be used for sexual violence
 41 prevention programming through a statewide organization
 42 representing programs serving victims of sexual
 43 violence through the department's sexual violence
 44 prevention program. The amount allocated in this
 45 lettered paragraph shall not be used to supplant
 46 funding administered for other sexual violence
 47 prevention or victims assistance programs.

48 c. Of the funds appropriated in this subsection,
 49 not more than ~~\$218,291~~ \$539,477 shall be used for the
 50 state poison control center.

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1 d. Of the funds appropriated in this subsection,
 2 \$337,440 shall be used for the purposes of the board
 3 of direct care professionals as established pursuant
 4 to the division of this 2012 Act enacting new Code
 5 chapter 152F. The direct care worker advisory council
 6 established pursuant to 2008 Iowa Acts, chapter 1188,
 7 section 69, may continue to provide expertise and
 8 leadership relating to the recommendations in the
 9 advisory council's final report submitted to the
 10 governor and the general assembly in March 2012.

11 9. RESOURCE MANAGEMENT

12 For establishing and sustaining the overall
 13 ability of the department to deliver services to the
 14 public, and for not more than the following full-time

15	equivalent positions:	
16	.....	\$ 409,777
17		<u>819,554</u>
18	..... FTEs	7.00

19 The university of Iowa hospitals and clinics under
 20 the control of the state board of regents shall not
 21 receive indirect costs from the funds appropriated in
 22 this section. The university of Iowa hospitals and
 23 clinics billings to the department shall be on at least
 24 a quarterly basis.

25 DIVISION III

26 DEPARTMENT OF VETERANS AFFAIRS

27 Sec. 3. 2011 Iowa Acts, chapter 129, section 115,
 28 is amended to read as follows:

29 SEC. 115. DEPARTMENT OF VETERANS AFFAIRS. There
 30 is appropriated from the general fund of the state to
 31 the department of veterans affairs for the fiscal year
 32 beginning July 1, 2012, and ending June 30, 2013, the
 33 following amounts, or so much thereof as is necessary,
 34 to be used for the purposes designated:

35 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

36 For salaries, support, maintenance, and
 37 miscellaneous purposes, including the war orphans
 38 educational assistance fund created in section
 39 35.8, and for not more than the following full-time
 40 equivalent positions:

41	.....	\$ 409,416
42		<u>1,010,832</u>
43	..... FTEs	16.34

44 2. IOWA VETERANS HOME

45 For salaries, support, maintenance, and
 46 miscellaneous purposes:

47	.....	\$ 4,476,075
48		<u>8,952,151</u>

49 a. The Iowa veterans home billings involving the
 50 department of human services shall be submitted to the

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- 1 department on at least a monthly basis.
- 2 b. If there is a change in the employer of
- 3 employees providing services at the Iowa veterans home
- 4 under a collective bargaining agreement, such employees
- 5 and the agreement shall be continued by the successor
- 6 employer as though there had not been a change in
- 7 employer.
- 8 c. Within available resources and in conformance
- 9 with associated state and federal program eligibility
- 10 requirements, the Iowa veterans home may implement
- 11 measures to provide financial assistance to or
- 12 on behalf of veterans or their spouses who are
- 13 participating in the community reentry program.

14	<u>d. The Iowa veterans home expenditure report</u>	
15	<u>shall be submitted monthly to the legislative services</u>	
16	<u>agency.</u>	
17	3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF	
18	DECEASED VETERANS	
19	For provision of educational assistance pursuant to	
20	section 35.9:	
21	.....	\$ 6,208
22		<u>12,416</u>
23	<u>4. HOME OWNERSHIP ASSISTANCE PROGRAM</u>	
24	<u>For transfer to the Iowa finance authority for the</u>	
25	<u>continuation of the home ownership assistance program</u>	
26	<u>for persons who are or were eligible members of the</u>	
27	<u>armed forces of the United States, pursuant to section</u>	
28	<u>16.54:</u>	
29	.....	\$ 1,600.000
30	Sec. 4. 2011 Iowa Acts, chapter 129, section 116,	
31	is amended to read as follows:	
32	SEC. 116. LIMITATION OF COUNTY	
33	COMMISSION OF VETERANS AFFAIRS FUND STANDING	
34	APPROPRIATIONS. Notwithstanding the standing	
35	appropriation in the following designated section for	
36	the fiscal year beginning July 1, 2012, and ending June	
37	30, 2013, the amounts appropriated from the general	
38	fund of the state pursuant to that section for the	
39	following designated purposes shall not exceed the	
40	following amount:	
41	For the county commissions of veterans affairs fund	
42	under section 35A.16:	
43	.....	\$ 495,000
44		<u>990,000</u>

DIVISION IV

DEPARTMENT OF HUMAN SERVICES

46 Sec. 5. 2011 Iowa Acts, chapter 129, section 117,
48 is amended to read as follows:
49 SEC. 117. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
50 BLOCK GRANT. There is appropriated from the fund

1 created in section 8.41 to the department of human
2 services for the fiscal year beginning July 1, 2012,
3 and ending June 30, 2013, from moneys received under
4 the federal temporary assistance for needy families
5 (TANF) block grant pursuant to the federal Personal
6 Responsibility and Work Opportunity Reconciliation
7 Act of 1996, Pub. L. No. 104-193, and successor
8 legislation, and from moneys received under the
9 emergency contingency fund for temporary assistance
10 for needy families state program established pursuant
11 to the federal American Recovery and Reinvestment
12 Act of 2009, Pub. L. No. 111-5 § 2101, and successor

13 legislation, the following amounts, or so much
14 thereof as is necessary, to be used for the purposes
15 designated:

16 1. To be credited to the family investment program 17 account and used for assistance under the family 18 investment program under chapter 239B:	\$	<u>10,750,360</u>
		<u>19,790,365</u>
21 2. To be credited to the family investment program 22 account and used for the job opportunities and 23 basic skills (JOBS) program and implementing family 24 investment agreements in accordance with chapter 239B:	\$	<u>6,205,764</u>
		<u>12,411,528</u>
27 3. To be used for the family development and 28 self-sufficiency grant program in accordance with 29 section 216A.107:	\$	<u>1,440,400</u>
		<u>2,898,980</u>
32 Notwithstanding section 8.33, moneys appropriated in 33 this subsection that remain unencumbered or unobligated 34 at the close of the fiscal year shall not revert but 35 shall remain available for expenditure for the purposes 36 designated until the close of the succeeding fiscal 37 year. However, unless such moneys are encumbered or 38 obligated on or before September 30, 2013, the moneys 39 shall revert.		
40 4. For field operations:	\$	<u>15,648,116</u>
		<u>31,296,232</u>
43 5. For general administration:	\$	<u>1,872,000</u>
		<u>3,744,000</u>
46 6. For state child care assistance:	\$	<u>8,101,343</u>
		<u>16,382,687</u>

49 The funds appropriated in this subsection shall
50 be transferred to the child care and development

1 block grant appropriation made pursuant to 2011 Iowa
2 Acts, chapter 126, section 32, by the Eighty-fourth
3 General Assembly, 2012 Session, for the federal fiscal
4 year beginning October 1, 2012, and ending September
5 30, 2013. Of this amount, ~~\$100,000~~ \$200,000 shall
6 be used for provision of educational opportunities
7 to registered child care home providers in order to
8 improve services and programs offered by this category
9 of providers and to increase the number of providers.
10 The department may contract with institutions of higher
11 education or child care resource and referral centers

12 to provide the educational opportunities. Allowable
 13 administrative costs under the contracts shall not
 14 exceed 5 percent. The application for a grant shall
 15 not exceed two pages in length.

16 7. For ~~distribution to counties for state case~~
 17 ~~services for persons with mental health and illness,~~
 18 ~~an intellectual disability, or a developmental~~
 19 ~~disabilities community services disability in~~
 20 ~~accordance with section 331.440:~~

21 \$ 2,447,026
 22 4,894,052

23 8. For child and family services:

24 \$ 16,042,215
 25 32,084,430

26 9. For child abuse prevention grants:

27 \$ 62,500
 28 125,000

29 10. For pregnancy prevention grants on the
 30 condition that family planning services are funded:

31 \$ 965,033
 32 1,930,067

33 Pregnancy prevention grants shall be awarded to
 34 programs in existence on or before July 1, 2012, if the
 35 programs have demonstrated positive outcomes. Grants
 36 shall be awarded to pregnancy prevention programs
 37 which are developed after July 1, 2012, if the programs
 38 are based on existing models that have demonstrated
 39 positive outcomes. Grants shall comply with the
 40 requirements provided in 1997 Iowa Acts, chapter
 41 208, section 14, subsections 1 and 2, including the
 42 requirement that grant programs must emphasize sexual
 43 abstinence. Priority in the awarding of grants shall
 44 be given to programs that serve areas of the state
 45 which demonstrate the highest percentage of unplanned
 46 pregnancies of females of childbearing age within the
 47 geographic area to be served by the grant.

48 11. For technology needs and other resources
 49 necessary to meet federal welfare reform reporting,
 50 tracking, and case management requirements:

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1 \$ 518,503
 2 1,037,186

3 12. To be credited to the state child care
 4 assistance appropriation made in this section to be
 5 used for funding of community-based early childhood
 6 programs targeted to children from birth through five
 7 years of age developed by early childhood Iowa areas as
 8 provided in section 256I.11:

9 \$ 3,175,000
 10 6,350,000

11 The department shall transfer TANF block grant
12 funding appropriated and allocated in this subsection
13 to the child care and development block grant
14 appropriation in accordance with federal law as
15 necessary to comply with the provisions of this
16 subsection.

17 13. a. Notwithstanding any provision to the
18 contrary, including but not limited to requirements
19 in section 8.41 or provisions in 2011 or 2012 Iowa
20 Acts regarding the receipt and appropriation of
21 federal block grants, federal funds from the ~~emergency~~
22 ~~contingency fund~~ for temporary assistance for needy
23 families ~~state program established pursuant to the~~
24 ~~federal American Recovery and Reinvestment Act of 2009,~~
25 ~~Pub. L. No. 111 5 § 2101, block grant~~ received by the
26 state ~~during the fiscal year beginning July 1, 2011,~~
27 ~~and ending June 30, 2012,~~ not otherwise appropriated
28 in this section and remaining available ~~as of for~~
29 ~~the fiscal year beginning July 1, 2012, and received~~
30 ~~by the state during the fiscal year beginning July~~
31 ~~1, 2012, and ending June 30, 2013,~~ are appropriated
32 to the department of human services to the extent as
33 may be necessary to be used in the following priority
34 order: the family investment program for the fiscal
35 year and for state child care assistance program
36 payments for individuals enrolled in the family
37 investment program who are employed. The federal funds
38 appropriated in this paragraph “a” shall be expended
39 only after all other funds appropriated in subsection 1
40 for the assistance under the family investment program
41 under chapter 239B have been expended.

42 b. The department shall, on a quarterly basis,
43 advise the legislative services agency and department
44 of management of the amount of funds appropriated in
45 this subsection that was expended in the prior quarter.

46 14. Of the amounts appropriated in this section,
47 ~~66,481,004~~ 12,962,008 for the fiscal year beginning
48 July 1, 2012, shall be transferred to the appropriation
49 of the federal social services block grant made for
50 that fiscal year.

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1 15. For continuation of the program allowing the
2 department to maintain categorical eligibility for the
3 food assistance program as required under the section
4 of this division relating to the family investment
5 account:

6 \$ 73,036
7 25,000

8 16. The department may transfer funds allocated
9 in this section to the appropriations made in this

10 division of this Act for general administration and
 11 field operations for resources necessary to implement
 12 and operate the services referred to in this section
 13 and those funded in the appropriation made in this
 14 division of this Act for the family investment program
 15 from the general fund of the state.

16 Sec. 6. 2011 Iowa Acts, chapter 129, section 118,
 17 is amended to read as follows:

18 SEC. 118. FAMILY INVESTMENT PROGRAM ACCOUNT.

19 1. Moneys credited to the family investment program
 20 (FIP) account for the fiscal year beginning July
 21 1, 2012, and ending June 30, 2013, shall be used to
 22 provide assistance in accordance with chapter 239B.

23 2. The department may use a portion of the moneys
 24 credited to the FIP account under this section as
 25 necessary for salaries, support, maintenance, and
 26 miscellaneous purposes.

27 3. The department may transfer funds allocated in
 28 this section to the appropriations in this division
 29 of this Act for general administration and field
 30 operations for resources necessary to implement and
 31 operate the services referred to in this section and
 32 those funded in the appropriation made in this division
 33 of this Act for the family investment program from the
 34 general fund of the state.

35 4. Moneys appropriated in this division of this Act
 36 and credited to the FIP account for the fiscal year
 37 beginning July 1, 2012, and ending June 30, 2013, are
 38 allocated as follows:

39 a. To be retained by the department of human
 40 services to be used for coordinating with the
 41 department of human rights to more effectively serve
 42 participants in the FIP program and other shared
 43 clients and to meet federal reporting requirements
 44 under the federal temporary assistance for needy
 45 families block grant:

46	\$	<u>10,000</u>
47		<u>20,000</u>

48 b. To the department of human rights for staffing,
 49 administration, and implementation of the family
 50 development and self-sufficiency grant program in

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1 accordance with section 216A.107:		
2	\$	<u>2,671,417</u>
3		<u>5,942,834</u>

4 (1) Of the funds allocated for the family
 5 development and self-sufficiency grant program in this
 6 lettered paragraph, not more than 5 percent of the
 7 funds shall be used for the administration of the grant
 8 program.

9 (2) The department of human rights may continue to
10 implement the family development and self-sufficiency
11 grant program statewide during fiscal year 2012–2013.
12 c. For the diversion subaccount of the FIP account:
13 \$ 840,200
14 1,698,400
15 A portion of the moneys allocated for the subaccount
16 may be used for field operations salaries, data
17 management system development, and implementation
18 costs and support deemed necessary by the director of
19 human services in order to administer the FIP diversion
20 program.
21 d. For the food stamp employment and training
22 program:
23 \$ 33,204
24 66,588
25 (1) The department shall amend the food stamp
26 employment and training state plan in order to maximize
27 to the fullest extent permitted by federal law the
28 use of the 50-50 match provisions for the claiming
29 of allowable federal matching funds from the United
30 States department of agriculture pursuant to the
31 federal food stamp employment and training program for
32 providing education, employment, and training services
33 for eligible food assistance program participants,
34 including but not limited to related dependent care and
35 transportation expenses.
36 (2) The department shall continue the categorical
37 federal food assistance program eligibility at 160
38 percent of the federal poverty level and continue to
39 eliminate the asset test from eligibility requirements,
40 consistent with federal food assistance program
41 requirements. The department shall include as many
42 food assistance households as is allowed by federal
43 law. The eligibility provisions shall conform to all
44 federal requirements including requirements addressing
45 individuals who are incarcerated or otherwise
46 ineligible.
47 e. For the JOBS program:
48 \$ 10,117,952
49 20,235,905
50 5. Of the child support collections assigned under

1 FIP, an amount equal to the federal share of support
2 collections shall be credited to the child support
3 recovery appropriation made in this division of this
4 Act. Of the remainder of the assigned child support
5 collections received by the child support recovery
6 unit, a portion shall be credited to the FIP account,
7 a portion may be used to increase recoveries, and a

8 portion may be used to sustain cash flow in the child
 9 support payments account. If as a consequence of the
 10 appropriations and allocations made in this section
 11 the resulting amounts are insufficient to sustain
 12 cash assistance payments and meet federal maintenance
 13 of effort requirements, the department shall seek
 14 supplemental funding. If child support collections
 15 assigned under FIP are greater than estimated or are
 16 otherwise determined not to be required for maintenance
 17 of effort, the state share of either amount may be
 18 transferred to or retained in the child support payment
 19 account.

20 6. The department may adopt emergency rules for
 21 the family investment, JOBS, food stamp, and medical
 22 assistance programs if necessary to comply with federal
 23 requirements.

24 Sec. 7. 2011 Iowa Acts, chapter 129, section 119,
 25 is amended to read as follows:

26 SEC. 119. FAMILY INVESTMENT PROGRAM GENERAL

27 FUND. There is appropriated from the general fund of
 28 the state to the department of human services for the
 29 fiscal year beginning July 1, 2012, and ending June 30,
 30 2013, the following amount, or so much thereof as is
 31 necessary, to be used for the purpose designated:

32 To be credited to the family investment program
 33 (FIP) account and used for family investment program
 34 assistance under chapter 239B:

35	\$	<u>25,085,513</u>
36		<u>50,742,028</u>

37 1. Of the funds appropriated in this section,
 38 ~~\$3,912,188~~ \$7,824,377 is allocated for the JOBS
 39 program.

40 2. Of the funds appropriated in this section,
 41 ~~\$1,231,927~~ \$3,063,854 is allocated for the family
 42 development and self-sufficiency grant program.

43 3. Notwithstanding section 8.39, for the fiscal
 44 year beginning July 1, 2012, if necessary to meet
 45 federal maintenance of effort requirements or to
 46 transfer federal temporary assistance for needy
 47 families block grant funding to be used for purposes
 48 of the federal social services block grant or to meet
 49 cash flow needs resulting from delays in receiving
 50 federal funding or to implement, in accordance with

1 this division of this Act, activities currently funded
 2 with juvenile court services, county, or community
 3 moneys and state moneys used in combination with such
 4 moneys, the department of human services may transfer
 5 funds within or between any of the appropriations made
 6 in this division of this Act and appropriations in law

7 for the federal social services block grant to the
8 department for the following purposes, provided that
9 the combined amount of state and federal temporary
10 assistance for needy families block grant funding for
11 each appropriation remains the same before and after
12 the transfer:

- 13 a. For the family investment program.
- 14 b. For child care assistance.
- 15 c. For child and family services.
- 16 d. For field operations.
- 17 e. For general administration.
- 18 f. ~~MH/MR/DD/BI community services (local purchase).~~
19 For distribution to counties for state case services
20 for persons with mental illness, an intellectual
21 disability, or a developmental disability in accordance
22 with section 331.440.

23 This subsection shall not be construed to prohibit
24 the use of existing state transfer authority for other
25 purposes. The department shall report any transfers
26 made pursuant to this subsection to the legislative
27 services agency.

28 4. Of the funds appropriated in this section,
29 ~~\$97,839~~ \$195,678 shall be used for continuation of a
30 grant to an Iowa-based nonprofit organization with a
31 history of providing tax preparation assistance to
32 low-income Iowans in order to expand the usage of the
33 earned income tax credit. The purpose of the grant is
34 to supply this assistance to underserved areas of the
35 state.

36 4A. Of the funds appropriated in this section,
37 \$500,000 shall be used for distribution to a nonprofit,
38 tax-exempt association that receives donations under
39 section 170 of the Internal Revenue Code and whose
40 members include Iowa food banks and their affiliates
41 that together serve all counties in the state, to be
42 used to purchase food for distribution to food-insecure
43 Iowans:

44 \$ 500,000

45 In purchasing food under this subsection, a
46 preference shall be given to the purchase of food
47 produced, processed, or packaged within this state
48 whenever reasonably practicable.

49 5. The department may transfer funds appropriated
50 in this section to the appropriations made in this

1 division of this Act for general administration and
2 field operations as necessary to administer this
3 section and the overall family investment program.

4 Sec. 8. 2011 Iowa Acts, chapter 129, section 120,
5 is amended to read as follows:

6 SEC. 120. CHILD SUPPORT RECOVERY. There is
 7 appropriated from the general fund of the state to
 8 the department of human services for the fiscal year
 9 beginning July 1, 2012, and ending June 30, 2013, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purposes designated:

12 For child support recovery, including salaries,
 13 support, maintenance, and miscellaneous purposes, and
 14 for not more than the following full-time equivalent
 15 positions:

.....	\$	6,559,627
.....		<u>13,377,993</u>
.....	FTEs	475.00

19 1. The department shall expend up to ~~\$12,164~~
 20 ~~\$24,329~~, including federal financial participation, for
 21 the fiscal year beginning July 1, 2012, for a child
 22 support public awareness campaign. The department and
 23 the office of the attorney general shall cooperate in
 24 continuation of the campaign. The public awareness
 25 campaign shall emphasize, through a variety of media
 26 activities, the importance of maximum involvement of
 27 both parents in the lives of their children as well as
 28 the importance of payment of child support obligations.

29 2. Federal access and visitation grant moneys shall
 30 be issued directly to private not-for-profit agencies
 31 that provide services designed to increase compliance
 32 with the child access provisions of court orders,
 33 including but not limited to neutral visitation sites
 34 and mediation services.

35 3. The appropriation made to the department for
 36 child support recovery may be used throughout the
 37 fiscal year in the manner necessary for purposes of
 38 cash flow management, and for cash flow management
 39 purposes the department may temporarily draw more
 40 than the amount appropriated, provided the amount
 41 appropriated is not exceeded at the close of the fiscal
 42 year.

43 4. With the exception of the funding amount
 44 specified, the requirements established under 2001
 45 Iowa Acts, chapter 191, section 3, subsection 5,
 46 paragraph "c", subparagraph (3), shall be applicable
 47 to parental obligation pilot projects for the fiscal
 48 year beginning July 1, 2012, and ending June 30,
 49 2013. Notwithstanding 441 IAC 100.8, providing for
 50 termination of rules relating to the pilot projects,

1 the rules shall remain in effect until June 30, 2013.
 2 MEDICAL ASSISTANCE PROGRAM
 3 Sec. 9. 2011 Iowa Acts, chapter 129, section 122,
 4 unnumbered paragraph 2, is amended to read as follows:

5 For medical assistance program reimbursement and
 6 associated costs as specifically provided in the
 7 reimbursement methodologies in effect on June 30,
 8 2012, except as otherwise expressly authorized by
 9 law, ~~and consistent with options under federal law and~~
 10 ~~regulations:~~

11 \$ 914,993,421
 12 845,601,256

13 Sec. 10. 2011 Iowa Acts, chapter 129, section 122,
 14 subsection 1, unnumbered paragraph 1, is amended to
 15 read as follows:

16 Iowans support reducing the number of abortions
 17 performed in our state. Funds appropriated in this
 18 section shall not be used for abortions. For the
 19 purposes of this section, “abortion” does not include
 20 any of the following:

21 a. The treatment of a woman for a physical
 22 disorder, physical injury, or physical illness,
 23 including a life-endangering physical condition caused
 24 by or arising from the pregnancy itself, that would,
 25 as certified by a physician, place the woman in danger
 26 of death.

27 b. The treatment of a woman for a spontaneous
 28 abortion, commonly known as a miscarriage, when not all
 29 of the products of conception are expelled.

30 1A. For an abortion covered under the program,
 31 except in the case of a medical emergency, as defined
 32 in section 135L.1, for any woman, the physician shall
 33 certify both of the following:

34 **MEDICAL ASSISTANCE — DISPROPORTIONATE SHARE HOSPITAL**

35 Sec. 11. 2011 Iowa Acts, chapter 129, section 122,
 36 subsection 11, paragraph a, unnumbered paragraph 1, is
 37 amended to read as follows:

38 Of the funds appropriated in this section,
 39 ~~\$7,425,684~~ \$7,678,245 is allocated for the state
 40 match for a disproportionate share hospital payment
 41 of \$19,133,430 to hospitals that meet both of the
 42 conditions specified in subparagraphs (1) and (2).
 43 In addition, the hospitals that meet the conditions
 44 specified shall either certify public expenditures
 45 or transfer to the medical assistance program an
 46 amount equal to provide the nonfederal share for a
 47 disproportionate share hospital payment of \$7,500,000.
 48 The hospitals that meet the conditions specified
 49 shall receive and retain 100 percent of the total
 50 disproportionate share hospital payment of \$26,633,430.

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1 MEDICAL ASSISTANCE — IOWACARE TRANSFER

2 Sec. 12. 2011 Iowa Acts, chapter 129, section 122,
3 subsection 13, is amended to read as follows:

4 13. Of the funds appropriated in this section,
5 up to ~~\$4,480,304~~ \$8,684,329 may be transferred to the
6 IowaCare account created in section 249J.24.

7 MEDICAL ASSISTANCE — COST CONTAINMENT STRATEGIES

8 Sec. 13. 2011 Iowa Acts, chapter 129, section 122,
9 subsection 20, paragraphs a and d, are amended to read
10 as follows:

11 a. The department may continue to implement cost
12 containment strategies recommended by the governor, ~~and~~
13 for the fiscal year beginning July 1, 2011, and shall
14 implement new strategies for the fiscal year beginning
15 July 1, 2012, as specified in this division of this
16 2012 Act. The department may adopt emergency rules for
17 such implementation.

18 d. If the savings to the medical assistance program
19 for the fiscal year beginning July 1, 2012, exceed
20 the cost, the department may transfer any savings
21 generated for the fiscal year due to medical assistance
22 program cost containment efforts initiated pursuant
23 to 2010 Iowa Acts, chapter 1031, Executive Order No.
24 20, issued December 16, 2009, or cost containment
25 strategies initiated pursuant to this subsection, to
26 the appropriation made in this division of this Act
27 for medical contracts or general administration to
28 defray the increased contract costs associated with
29 implementing such efforts.

30 Sec. 14. 2011 Iowa Acts, chapter 129, section 122,
31 is amended by adding the following new subsections:

32 NEW SUBSECTION. 23. The department shall implement
33 a hospital inpatient reimbursement policy to provide
34 for the combining of an original claim for an inpatient
35 stay with a claim for a subsequent inpatient stay when
36 the patient is admitted within seven days of discharge
37 from the original hospital stay for the same condition.

38 NEW SUBSECTION. 24. The department shall
39 transition payment for and administration of services
40 provided by psychiatric medical institutions for
41 children to the Iowa plan.

42 MEDICAL ASSISTANCE FOR EMPLOYED PEOPLE WITH
43 DISABILITIES

44 Sec. 15. 2011 Iowa Acts, chapter 129, section 122,
45 is amended by adding the following new subsection:

46 NEW SUBSECTION. 25. The department of human
47 services shall adopt rules for the Medicaid for
48 employed people with disabilities program to provide
49 that until such time as the department adopts
50 rules, annually, to implement the most recently

1 revised poverty guidelines published by the United
 2 States department of health and human services, the
 3 calculation of gross income eligibility and premium
 4 amounts shall not include any increase in unearned
 5 income attributable to a social security cost-of-living
 6 adjustment for an individual or member of the
 7 individual's family whose unearned income is included
 8 in such calculation.

9 STATE BALANCING INCENTIVE PAYMENTS PROGRAM

10 Sec. 16. 2011 Iowa Acts, chapter 129, section 122,
 11 is amended by adding the following new subsection:
 12 NEW SUBSECTION. 27. The funds received through
 13 participation in the medical assistance state balancing
 14 incentive payments program created pursuant to section
 15 10202 of the federal Patient Protection and Affordable
 16 Care Act of 2010, Pub. L. No. 111-148 (2010), as
 17 amended by the federal Health Care and Education
 18 Reconciliation Act of 2010, Pub. L. No. 111-152,
 19 shall be used by the department of human services to
 20 comply with the requirements of the program including
 21 developing a no wrong door single entry point system;
 22 providing a conflict-free case management system;
 23 providing core standardized assessment instruments;
 24 complying with data collection requirements relating to
 25 services, quality, and outcomes; meeting the applicable
 26 target spending percentage required under the program
 27 to rebalance long-term care spending under the medical
 28 assistance program between home and community-based
 29 services and institution-based services; and for new or
 30 expanded medical assistance program non-institutionally
 31 based long-term care services and supports.

32 Sec. 17. 2011 Iowa Acts, chapter 129, section 123,
 33 is amended to read as follows:

34 SEC. 123. MEDICAL CONTRACTS. There is appropriated
 35 from the general fund of the state to the department of
 36 human services for the fiscal year beginning July 1,
 37 2012, and ending June 30, 2013, the following amount,
 38 or so much thereof as is necessary, to be used for the
 39 purpose designated:

40 For medical contracts:

41	\$	5,453,728
42		<u>8,460,680</u>

43 1. The department of inspections and appeals
 44 shall provide all state matching funds for survey and
 45 certification activities performed by the department
 46 of inspections and appeals. The department of human
 47 services is solely responsible for distributing the
 48 federal matching funds for such activities.

49 2. Of the funds appropriated in this section,
 50 ~~\$25,000~~ \$50,000 shall be used for continuation of home

1 and community-based services waiver quality assurance
2 programs, including the review and streamlining of
3 processes and policies related to oversight and quality
4 management to meet state and federal requirements.

5 3. Of the amount appropriated in this section, up
6 to \$200,000 may be transferred to the appropriation for
7 general administration in this division of this Act to
8 be used for additional full-time equivalent positions
9 in the development of key health initiatives such as
10 cost containment, development and oversight of managed
11 care programs, and development of health strategies
12 targeted toward improved quality and reduced costs in
13 the Medicaid program.

14 Sec. 18. 2011 Iowa Acts, chapter 129, section 124,
15 is amended to read as follows:

16 SEC. 124. STATE SUPPLEMENTARY ASSISTANCE.

17 1. There is appropriated from the general fund of
18 the state to the department of human services for the
19 fiscal year beginning July 1, 2012, and ending June 30,
20 2013, the following amount, or so much thereof as is
21 necessary, to be used for the purpose designated:

22 For the state supplementary assistance program:	
23	\$ 8,425,373
24	<u>15,450,747</u>

25 2. The department shall increase the personal needs
26 allowance for residents of residential care facilities
27 by the same percentage and at the same time as federal
28 supplemental security income and federal social
29 security benefits are increased due to a recognized
30 increase in the cost of living. The department may
31 adopt emergency rules to implement this subsection.

32 3. If during the fiscal year beginning July 1,
33 2012, the department projects that state supplementary
34 assistance expenditures for a calendar year will not
35 meet the federal pass-through requirement specified
36 in Tit. XVI of the federal Social Security Act,
37 section 1618, as codified in 42 U.S.C. § 1382g,
38 the department may take actions including but not
39 limited to increasing the personal needs allowance
40 for residential care facility residents and making
41 programmatic adjustments or upward adjustments of the
42 residential care facility or in-home health-related
43 care reimbursement rates prescribed in this division of
44 this Act to ensure that federal requirements are met.
45 In addition, the department may make other programmatic
46 and rate adjustments necessary to remain within the
47 amount appropriated in this section while ensuring
48 compliance with federal requirements. The department
49 may adopt emergency rules to implement the provisions
50 of this subsection.

1 Sec. 19. 2011 Iowa Acts, chapter 129, section 125,
2 is amended to read as follows:

3 SEC. 125. CHILDREN'S HEALTH INSURANCE PROGRAM.

4 1. There is appropriated from the general fund of
5 the state to the department of human services for the
6 fiscal year beginning July 1, 2012, and ending June 30,
7 2013, the following amount, or so much thereof as is
8 necessary, to be used for the purpose designated:

9 For maintenance of the healthy and well kids in Iowa
10 (hawk-i) program pursuant to chapter 514I, including
11 supplemental dental services, for receipt of federal
12 financial participation under Tit. XXI of the federal
13 Social Security Act, which creates the children's
14 health insurance program:

15 \$ 16,403,051
16 40,400,160

17 2. Of the funds appropriated in this section,
18 ~~\$64,475~~ \$141,450 is allocated for continuation of the
19 contract for outreach with the department of public
20 health.

21 Sec. 20. 2011 Iowa Acts, chapter 129, section 126,
22 is amended to read as follows:

23 SEC. 126. CHILD CARE ASSISTANCE. There is
24 appropriated from the general fund of the state to
25 the department of human services for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the
27 following amount, or so much thereof as is necessary,
28 to be used for the purpose designated:

29 For child care programs:

30 \$ 26,618,891
31 61,087,940

32 1. Of the funds appropriated in this section,
33 ~~\$25,048,041~~ \$59,718,513 shall be used for state child
34 care assistance in accordance with section 237A.13.

35 2. Nothing in this section shall be construed or
36 is intended as or shall imply a grant of entitlement
37 for services to persons who are eligible for assistance
38 due to an income level consistent with the waiting
39 list requirements of section 237A.13. Any state
40 obligation to provide services pursuant to this section
41 is limited to the extent of the funds appropriated in
42 this section.

43 3. Of the funds appropriated in this section,
44 ~~\$216,226~~ \$432,453 is allocated for the statewide
45 program for child care resource and referral services
46 under section 237A.26. A list of the registered and
47 licensed child care facilities operating in the area
48 served by a child care resource and referral service
49 shall be made available to the families receiving state
50 child care assistance in that area.

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1 4. Of the funds appropriated in this section,
2 ~~\$468,487~~ \$936,974 is allocated for child care quality
3 improvement initiatives including but not limited to
4 the voluntary quality rating system in accordance with
5 section 237A.30.

6 5. The department may use any of the funds
7 appropriated in this section as a match to obtain
8 federal funds for use in expanding child care
9 assistance and related programs. For the purpose of
10 expenditures of state and federal child care funding,
11 funds shall be considered obligated at the time
12 expenditures are projected or are allocated to the
13 department's service areas. Projections shall be based
14 on current and projected caseload growth, current and
15 projected provider rates, staffing requirements for
16 eligibility determination and management of program
17 requirements including data systems management,
18 staffing requirements for administration of the
19 program, contractual and grant obligations and any
20 transfers to other state agencies, and obligations for
21 decategorization or innovation projects.

22 6. A portion of the state match for the federal
23 child care and development block grant shall be
24 provided as necessary to meet federal matching
25 funds requirements through the state general fund
26 appropriation made for child development grants and
27 other programs for at-risk children in section 279.51.

28 7. If a uniform reduction ordered by the governor
29 under section 8.31 or other operation of law,
30 transfer, or federal funding reduction reduces the
31 appropriation made in this section for the fiscal year,
32 the percentage reduction in the amount paid out to or
33 on behalf of the families participating in the state
34 child care assistance program shall be equal to or
35 less than the percentage reduction made for any other
36 purpose payable from the appropriation made in this
37 section and the federal funding relating to it. The
38 percentage reduction to the other allocations made in
39 this section shall be the same as the uniform reduction
40 ordered by the governor or the percentage change of the
41 federal funding reduction, as applicable. If there is
42 an unanticipated increase in federal funding provided
43 for state child care assistance, the entire amount
44 of the increase shall be used for state child care
45 assistance payments. If the appropriations made for
46 purposes of the state child care assistance program for
47 the fiscal year are determined to be insufficient, it
48 is the intent of the general assembly to appropriate
49 sufficient funding for the fiscal year in order to
50 avoid establishment of waiting list requirements.

1 8. Notwithstanding section 8.33, moneys
 2 ~~appropriated in this section or advanced for purposes~~
 3 ~~of the programs developed by early childhood Iowa~~
 4 ~~areas, advanced for purposes of wraparound child care,~~
 5 ~~or~~ received from the federal appropriations made for
 6 the purposes of this section that remain unencumbered
 7 or unobligated at the close of the fiscal year shall
 8 not revert to any fund but shall remain available for
 9 expenditure for the purposes designated until the close
 10 of the succeeding fiscal year.

11 Sec. 21. 2011 Iowa Acts, chapter 129, section 127,
 12 is amended to read as follows:

13 SEC. 127. JUVENILE INSTITUTIONS. There is
 14 appropriated from the general fund of the state to
 15 the department of human services for the fiscal year
 16 beginning July 1, 2012, and ending June 30, 2013, the
 17 following amounts, or so much thereof as is necessary,
 18 to be used for the purposes designated:

19 1. For operation of the Iowa juvenile home at
 20 Toledo and for salaries, support, maintenance, and
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 4,129,125
 24 8,328,264
 25 FTEs 114.00

26 2. For operation of the state training school at
 27 Eldora and for salaries, support, maintenance, and
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:
 30 \$ 5,319,338
 31 10,740,988
 32 FTEs 164.30

33 Of the funds appropriated in this subsection,
 34 ~~\$45,575~~ \$91,150 shall be used for distribution
 35 to licensed classroom teachers at this and other
 36 institutions under the control of the department of
 37 human services based upon the average student yearly
 38 enrollment at each institution as determined by the
 39 department.

40 3. A portion of the moneys appropriated in this
 41 section shall be used by the state training school and
 42 by the Iowa juvenile home for grants for adolescent
 43 pregnancy prevention activities at the institutions in
 44 the fiscal year beginning July 1, 2012.

45 Sec. 22. 2011 Iowa Acts, chapter 129, section 128,
 46 is amended to read as follows:

47 SEC. 128. CHILD AND FAMILY SERVICES.

48 1. There is appropriated from the general fund of
 49 the state to the department of human services for the
 50 fiscal year beginning July 1, 2012, and ending June 30,

1 2013, the following amount, or so much thereof as is
2 necessary, to be used for the purpose designated:

3 For child and family services:

4	\$	41,415,081
5		<u>83,669,130</u>

6 2. In order to address a reduction of \$5,200,000
7 from the amount allocated under the appropriation made
8 for the purposes of this section in prior years for
9 purposes of juvenile delinquent graduated sanction
10 services, up to ~~\$2,600,000~~ \$5,200,000 of the amount of
11 federal temporary assistance for needy families block
12 grant funding appropriated in this division of this Act
13 for child and family services shall be made available
14 for purposes of juvenile delinquent graduated sanction
15 services.

16 3. The department may transfer funds appropriated
17 in this section as necessary to pay the nonfederal
18 costs of services reimbursed under the medical
19 assistance program, state child care assistance
20 program, or the family investment program which are
21 provided to children who would otherwise receive
22 services paid under the appropriation in this section.
23 The department may transfer funds appropriated in this
24 section to the appropriations made in this division
25 of this Act for general administration and for field
26 operations for resources necessary to implement and
27 operate the services funded in this section. The
28 department may transfer funds appropriated in this
29 section to the appropriation made in this division of
30 this Act for adoption subsidy to support the adjustment
31 in reimbursement rates for specified child welfare
32 providers as provided in this 2012 Act.

33 4. a. Of the funds appropriated in this section,
34 up to ~~\$15,084,564~~ \$31,438,622 is allocated as the
35 statewide expenditure target under section 232.143
36 for group foster care maintenance and services. If
37 the department projects that such expenditures for
38 the fiscal year will be less than the target amount
39 allocated in this lettered paragraph, the department
40 may reallocate the excess to provide additional
41 funding for shelter care or the child welfare emergency
42 services addressed with the allocation for shelter
43 care.

44 b. If at any time after September 30, 2012,
45 annualization of a service area's current expenditures
46 indicates a service area is at risk of exceeding its
47 group foster care expenditure target under section
48 232.143 by more than 5 percent, the department and
49 juvenile court services shall examine all group
50 foster care placements in that service area in order

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1 to identify those which might be appropriate for
2 termination. In addition, any aftercare services
3 believed to be needed for the children whose
4 placements may be terminated shall be identified. The
5 department and juvenile court services shall initiate
6 action to set dispositional review hearings for the
7 placements identified. In such a dispositional review
8 hearing, the juvenile court shall determine whether
9 needed aftercare services are available and whether
10 termination of the placement is in the best interest of
11 the child and the community.

12 5. In accordance with the provisions of section
13 232.188, the department shall continue the child
14 welfare and juvenile justice funding initiative during
15 fiscal year 2012–2013. Of the funds appropriated
16 in this section, ~~\$858,876~~ \$1,717,753 is allocated
17 specifically for expenditure for fiscal year 2012–2013
18 through the decategorization service funding pools
19 and governance boards established pursuant to section
20 232.188.

21 6. A portion of the funds appropriated in this
22 section may be used for emergency family assistance
23 to provide other resources required for a family
24 participating in a family preservation or reunification
25 project or successor project to stay together or to be
26 reunified.

27 7. Notwithstanding section 234.35 or any other
28 provision of law to the contrary, state funding for
29 shelter care and the child welfare emergency services
30 contracting implemented to provide for or prevent the
31 need for shelter care shall be limited to ~~\$3,585,058~~
32 \$7,385,639. The department may continue or execute
33 contracts that result from the department's request for
34 proposal, bid number ACFS–11–114, to provide the range
35 of child welfare emergency services described in the
36 request for proposals, and any subsequent amendments to
37 the request for proposals.

38 8. Federal funds received by the state during
39 the fiscal year beginning July 1, 2012, as the
40 result of the expenditure of state funds appropriated
41 during a previous state fiscal year for a service or
42 activity funded under this section are appropriated
43 to the department to be used as additional funding
44 for services and purposes provided for under this
45 section. Notwithstanding section 8.33, moneys
46 received in accordance with this subsection that remain
47 unencumbered or unobligated at the close of the fiscal
48 year shall not revert to any fund but shall remain
49 available for the purposes designated until the close
50 of the succeeding fiscal year.

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1 ~~9. Of the funds appropriated in this section, at~~
2 ~~least \$1,848,142 shall be used for protective child~~
3 ~~care assistance.~~

4 10. a. Of the funds appropriated in this section,
5 up to ~~\$1,031,244~~ \$2,062,488 is allocated for the
6 payment of the expenses of court-ordered services
7 provided to juveniles who are under the supervision of
8 juvenile court services, which expenses are a charge
9 upon the state pursuant to section 232.141, subsection
10 4. Of the amount allocated in this lettered paragraph,
11 up to ~~\$778,143~~ \$1,556,287 shall be made available
12 to provide school-based supervision of children
13 adjudicated under chapter 232, of which not more than
14 ~~\$7,500~~ \$15,000 may be used for the purpose of training.
15 A portion of the cost of each school-based liaison
16 officer shall be paid by the school district or other
17 funding source as approved by the chief juvenile court
18 officer.

19 b. Of the funds appropriated in this section, up to
20 ~~\$374,492~~ \$748,985 is allocated for the payment of the
21 expenses of court-ordered services provided to children
22 who are under the supervision of the department,
23 which expenses are a charge upon the state pursuant to
24 section 232.141, subsection 4.

25 c. Notwithstanding section 232.141 or any other
26 provision of law to the contrary, the amounts allocated
27 in this subsection shall be distributed to the
28 judicial districts as determined by the state court
29 administrator and to the department's service areas as
30 determined by the administrator of the department's
31 division of child and family services. The state court
32 administrator and the division administrator shall make
33 the determination of the distribution amounts on or
34 before June 15, 2012.

35 d. Notwithstanding chapter 232 or any other
36 provision of law to the contrary, a district or
37 juvenile court shall not order any service which is
38 a charge upon the state pursuant to section 232.141
39 if there are insufficient court-ordered services
40 funds available in the district court or departmental
41 service area distribution amounts to pay for the
42 service. The chief juvenile court officer and the
43 departmental service area manager shall encourage use
44 of the funds allocated in this subsection such that
45 there are sufficient funds to pay for all court-related
46 services during the entire year. The chief juvenile
47 court officers and departmental service area managers
48 shall attempt to anticipate potential surpluses and
49 shortfalls in the distribution amounts and shall
50 cooperatively request the state court administrator

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1 or division administrator to transfer funds between
2 the judicial districts' or departmental service areas'
3 distribution amounts as prudent.

4 e. Notwithstanding any provision of law to the
5 contrary, a district or juvenile court shall not order
6 a county to pay for any service provided to a juvenile
7 pursuant to an order entered under chapter 232 which
8 is a charge upon the state under section 232.141,
9 subsection 4.

10 f. Of the funds allocated in this subsection, not
11 more than ~~\$41,500~~ \$83,000 may be used by the judicial
12 branch for administration of the requirements under
13 this subsection.

14 g. Of the funds allocated in this subsection,
15 ~~\$8,500~~ \$17,000 shall be used by the department of human
16 services to support the interstate commission for
17 juveniles in accordance with the interstate compact for
18 juveniles as provided in section 232.173.

19 11. Of the funds appropriated in this section,
20 ~~\$2,961,301~~ \$6,222,602 is allocated for juvenile
21 delinquent graduated sanctions services. Any state
22 funds saved as a result of efforts by juvenile court
23 services to earn federal Tit. IV-E match for juvenile
24 court services administration may be used for the
25 juvenile delinquent graduated sanctions services.

26 12. Of the funds appropriated in this section,
27 ~~\$494,142~~ \$2,238,285 shall be transferred to the
28 department of public health to be used for the child
29 protection center grant program in accordance with
30 section 135.118. Of the amount allocated in this
31 subsection, \$250,000 shall be used for a center for the
32 Black Hawk county area.

33 13. If the department receives federal approval
34 to implement a waiver under Tit. IV-E of the federal
35 Social Security Act to enable providers to serve
36 children who remain in the children's families and
37 communities, for purposes of eligibility under the
38 medical assistance program, children who participate in
39 the waiver shall be considered to be placed in foster
40 care.

41 14. Of the funds appropriated in this section,
42 ~~\$1,534,916~~ \$3,092,375 is allocated for the preparation
43 for adult living program pursuant to section 234.46.

44 15. Of the funds appropriated in this section,
45 ~~\$260,075~~ \$520,150 shall be used for juvenile drug
46 courts. The amount allocated in this subsection shall
47 be distributed as follows:

48 To the judicial branch for salaries to assist with
49 the operation of juvenile drug court programs operated
50 in the following jurisdictions:

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1	a. Marshall county:	
2	\$ <u>31,354</u>
3		<u>62,708</u>
4	b. Woodbury county:	
5	\$ <u>62,841</u>
6		<u>125,682</u>
7	c. Polk county:	
8	.....	\$ <u>97,946</u>
9		<u>195,892</u>
10	d. The third judicial district:	
11	.....	\$ <u>33,967</u>
12		<u>67,934</u>
13	e. The eighth judicial district:	
14	.....	\$ <u>33,967</u>
15		<u>67,934</u>

16 16. Of the funds appropriated in this section,
 17 ~~\$113,668~~ \$227,337 shall be used for the public purpose
 18 of ~~providing~~ continuing a grant to a nonprofit human
 19 services organization providing services to individuals
 20 and families in multiple locations in southwest
 21 Iowa and Nebraska for support of a project providing
 22 immediate, sensitive support and forensic interviews,
 23 medical exams, needs assessments, and referrals for
 24 victims of child abuse and their nonoffending family
 25 members.

26 17. Of the funds appropriated in this section,
 27 ~~\$62,795~~ \$200,590 is allocated for the ~~elevate foster~~
 28 care youth council approach of providing a support
 29 network to children placed in foster care.

30 18. Of the funds appropriated in this section,
 31 ~~\$101,000~~ \$202,000 is allocated for use pursuant to
 32 section 235A.1 for continuation of the initiative to
 33 address child sexual abuse implemented pursuant to 2007
 34 Iowa Acts, chapter 218, section 18, subsection 21.

35 19. Of the funds appropriated in this section,
 36 ~~\$315,120~~ \$630,240 is allocated for the community
 37 partnership for child protection sites.

38 20. Of the funds appropriated in this section,
 39 ~~\$185,625~~ \$371,250 is allocated for the department's
 40 minority youth and family projects under the redesign
 41 of the child welfare system.

42 21. Of the funds appropriated in this section,
 43 ~~\$600,247~~ \$1,436,595 is allocated for funding of the
 44 ~~state match for~~ community circle of care collaboration
 45 for children and youth in northeast Iowa, formerly
 46 referred to as the federal substance abuse and mental
 47 health services administration (SAMHSA) system of care
 48 grant.

49 22. Of the funds appropriated in this section, at
 50 least ~~\$73,579~~ \$147,158 shall be used for the child

1 welfare training academy.

2 23. Of the funds appropriated in this section,
3 ~~\$12,500~~ ~~\$25,000~~ shall be used for the public purpose
4 of continuation of a grant to a child welfare services
5 provider headquartered in a county with a population
6 between 205,000 and 215,000 in the latest certified
7 federal census that provides multiple services
8 including but not limited to a psychiatric medical
9 institution for children, shelter, residential
10 treatment, after school programs, school-based
11 programming, and an Asperger’s syndrome program, to
12 be used for support services for children with autism
13 spectrum disorder and their families.

14 23A. Of the funds appropriated in this section,
15 \$25,000 shall be used for the public purpose of
16 providing a grant to a hospital-based provider
17 headquartered in a county with a population between
18 90,000 and 95,000 in the latest certified federal
19 census that provides multiple services including but
20 not limited to diagnostic, therapeutic, and behavioral
21 services to individuals with autism spectrum disorder
22 across the lifespan. The grant recipient shall utilize
23 the funds to implement a pilot project to determine the
24 necessary support services for children with autism
25 spectrum disorder and their families to be included in
26 the children’s disabilities services system. The grant
27 recipient shall submit findings and recommendations
28 based upon the results of the pilot project to the
29 individuals specified in this division of this Act for
30 submission of reports by December 31, 2012.

31 24. Of the funds appropriated in this section
32 ~~\$125,000~~ ~~\$327,947~~ shall be used for continuation of the
33 central Iowa system of care program grant through June
34 30, 2013.

35 25. Of the funds appropriated in this section,
36 ~~\$80,000~~ ~~\$160,000~~ shall be used for the public
37 purpose of the continuation of a system of care
38 grant implemented in Cerro Gordo and Linn counties in
39 accordance with this Act in FY 2011–2012.

40 Sec. 23. 2011 Iowa Acts, chapter 129, section 129,
41 is amended to read as follows:

42 SEC. 129. ADOPTION SUBSIDY.

43 1. There is appropriated from the general fund of
44 the state to the department of human services for the
45 fiscal year beginning July 1, 2012, and ending June 30,
46 2013, the following amount, or so much thereof as is
47 necessary, to be used for the purpose designated:

48 For adoption subsidy payments and services:		
49	\$	16,633,295
50		<u>33,238,897</u>

1 2. The department may transfer funds appropriated
 2 in this section to the appropriation made in this
 3 division of this Act for general administration
 4 for costs paid from the appropriation relating to
 5 adoption subsidy. The department may transfer funds
 6 appropriated in this section to the appropriation
 7 made in this division of this Act for child and family
 8 services to support the adjustment in reimbursement
 9 rates for specified child welfare providers as provided
 10 in this 2012 Act.

11 3. Federal funds received by the state during the
 12 fiscal year beginning July 1, 2012, as the result of
 13 the expenditure of state funds during a previous state
 14 fiscal year for a service or activity funded under
 15 this section are appropriated to the department to
 16 be used as additional funding for the services and
 17 activities funded under this section. Notwithstanding
 18 section 8.33, moneys received in accordance with this
 19 subsection that remain unencumbered or unobligated at
 20 the close of the fiscal year shall not revert to any
 21 fund but shall remain available for expenditure for the
 22 purposes designated until the close of the succeeding
 23 fiscal year.

24 Sec. 24. 2011 Iowa Acts, chapter 129, section 131,
 25 is amended to read as follows:

26 SEC. 131. FAMILY SUPPORT SUBSIDY PROGRAM.

27 1. There is appropriated from the general fund of
 28 the state to the department of human services for the
 29 fiscal year beginning July 1, 2012, and ending June 30,
 30 2013, the following amount, or so much thereof as is
 31 necessary, to be used for the purpose designated:

32 For the family support subsidy program subject
 33 to the enrollment restrictions in section 225C.37,
 34 subsection 3:

35	\$ 583,000
36	<u>1,096,784</u>

37 2. The department shall use at least ~~\$192,750~~
 38 ~~\$385,500~~ of the moneys appropriated in this section
 39 for the family support center component of the
 40 comprehensive family support program under section
 41 225C.47. Not more than ~~\$12,500~~ ~~\$25,000~~ of the
 42 amount allocated in this subsection shall be used for
 43 administrative costs.

44 3. If at any time during the fiscal year, the
 45 amount of funding available for the family support
 46 subsidy program is reduced from the amount initially
 47 used to establish the figure for the number of family
 48 members for whom a subsidy is to be provided at any one
 49 time during the fiscal year, notwithstanding section
 50 225C.38, subsection 2, the department shall revise the

1 figure as necessary to conform to the amount of funding
2 available.

3 Sec. 25. 2011 Iowa Acts, chapter 129, section 132,
4 is amended to read as follows:

5 SEC. 132. CONNER DECREE. There is appropriated
6 from the general fund of the state to the department of
7 human services for the fiscal year beginning July 1,
8 2012, and ending June 30, 2013, the following amount,
9 or so much thereof as is necessary, to be used for the
10 purpose designated:

11 For building community capacity through the
12 coordination and provision of training opportunities
13 in accordance with the consent decree of Conner v.
14 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

15 \$ 16,811
16 33,622

17 Sec. 26. 2011 Iowa Acts, chapter 129, section 133,
18 is amended to read as follows:

19 SEC. 133. MENTAL HEALTH INSTITUTES. There is
20 appropriated from the general fund of the state to
21 the department of human services for the fiscal year
22 beginning July 1, 2012, and ending June 30, 2013, the
23 following amounts, or so much thereof as is necessary,
24 to be used for the purposes designated:

25 1. For the state mental health institute at
26 Cherokee for salaries, support, maintenance, and
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:
29 \$ 2,938,654
30 5,641,037
31 FTEs 168.50

32 2. For the state mental health institute at
33 Clarinda for salaries, support, maintenance, and
34 miscellaneous purposes, and for not more than the
35 following full-time equivalent positions:
36 \$ 3,205,867
37 6,463,337
38 FTEs 86.10

39 3. For the state mental health institute at
40 Independence for salaries, support, maintenance, and
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:
43 \$ 5,137,842
44 9,804,212
45 FTEs 233.00

46 4. For the state mental health institute at Mount
47 Pleasant for salaries, support, maintenance, and
48 miscellaneous purposes, and for not more than the
49 following full-time equivalent positions:
50 \$ 472,161

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1 944,323

2 FTEs 97.72

3 Sec. 27. 2011 Iowa Acts, chapter 129, section 134,

4 is amended to read as follows:

5 SEC. 134. STATE RESOURCE CENTERS.

6 1. There is appropriated from the general fund of

7 the state to the department of human services for the

8 fiscal year beginning July 1, 2012, and ending June 30,

9 2013, the following amounts, or so much thereof as is

10 necessary, to be used for the purposes designated:

11 a. For the state resource center at Glenwood for

12 salaries, support, maintenance, and miscellaneous

13 purposes:

14 \$ 9,253,900

15 19,092,576

16 b. For the state resource center at Woodward for

17 salaries, support, maintenance, and miscellaneous

18 purposes:

19 \$ 6,392,829

20 13,176,093

21 2. The department may continue to bill for state

22 resource center services utilizing a scope of services

23 approach used for private providers of ICFMR services,

24 in a manner which does not shift costs between the

25 medical assistance program, counties, or other sources

26 of funding for the state resource centers.

27 3. The state resource centers may expand the

28 time-limited assessment and respite services during the

29 fiscal year.

30 4. If the department's administration and the

31 department of management concur with a finding by a

32 state resource center's superintendent that projected

33 revenues can reasonably be expected to pay the salary

34 and support costs for a new employee position, or

35 that such costs for adding a particular number of new

36 positions for the fiscal year would be less than the

37 overtime costs if new positions would not be added, the

38 superintendent may add the new position or positions.

39 If the vacant positions available to a resource center

40 do not include the position classification desired to

41 be filled, the state resource center's superintendent

42 may reclassify any vacant position as necessary to

43 fill the desired position. The superintendents of the

44 state resource centers may, by mutual agreement, pool

45 vacant positions and position classifications during

46 the course of the fiscal year in order to assist one

47 another in filling necessary positions.

48 5. If existing capacity limitations are reached

49 in operating units, a waiting list is in effect

50 for a service or a special need for which a payment

1 source or other funding is available for the service
 2 or to address the special need, and facilities for
 3 the service or to address the special need can be
 4 provided within the available payment source or other
 5 funding, the superintendent of a state resource center
 6 may authorize opening not more than two units or
 7 other facilities and begin implementing the service
 8 or addressing the special need during fiscal year
 9 2012–2013.

10 Sec. 28. 2011 Iowa Acts, chapter 129, section 135,
 11 is amended to read as follows:

12 SEC. 135. MIMR/DD STATE CASES.

13 1. There is appropriated from the general fund of
 14 the state to the department of human services for the
 15 fiscal year beginning July 1, 2012, and ending June 30,
 16 2013, the following amount, or so much thereof as is
 17 necessary, to be used for the purpose designated:

18 For distribution to counties for state case services
 19 for persons with mental illness, mental retardation,
 20 and developmental disabilities in accordance with
 21 section 331.440:

22	\$	6,084,741
23		<u>12,169,482</u>

24 2. For the fiscal year beginning July 1, 2012, and
 25 ending June 30, 2013, ~~\$100,000~~ \$200,000 is allocated
 26 for state case services from the amounts appropriated
 27 from the fund created in section 8.41 to the department
 28 of human services from the funds received from the
 29 federal government under 42 U.S.C. ch. 6A, subch. XVII,
 30 relating to the community mental health center block
 31 grant, for the federal fiscal years beginning October
 32 1, 2010, and ending September 30, 2011, beginning
 33 October 1, 2011, and ending September 30, 2012, and
 34 beginning October 1, 2012, and ending September 30,
 35 2013. The allocation made in this subsection shall be
 36 made prior to any other distribution allocation of the
 37 appropriated federal funds.

38 3. Notwithstanding section 8.33, moneys
 39 appropriated in this section that remain unencumbered
 40 or unobligated at the close of the fiscal year shall
 41 not revert but shall remain available for expenditure
 42 for the purposes designated until the close of the
 43 succeeding fiscal year.

44 Sec. 29. 2011 Iowa Acts, chapter 129, section 137,
 45 is amended to read as follows:

46 SEC. 137. SEXUALLY VIOLENT PREDATORS.

47 1. There is appropriated from the general fund of
 48 the state to the department of human services for the
 49 fiscal year beginning July 1, 2012, and ending June 30,
 50 2013, the following amount, or so much thereof as is

1 necessary, to be used for the purpose designated:

2 For costs associated with the commitment and
 3 treatment of sexually violent predators in the unit
 4 located at the state mental health institute at
 5 Cherokee, including costs of legal services and
 6 other associated costs, including salaries, support,
 7 maintenance, and miscellaneous purposes, and for not
 8 more than the following full-time equivalent positions:

9	\$	<u>3,775,363</u>
10		<u>9,113,668</u>
11	FTEs	<u>89.50</u>
12		<u>115.50</u>

13 2. Unless specifically prohibited by law, if the
 14 amount charged provides for recoupment of at least
 15 the entire amount of direct and indirect costs, the
 16 department of human services may contract with other
 17 states to provide care and treatment of persons placed
 18 by the other states at the unit for sexually violent
 19 predators at Cherokee. The moneys received under such
 20 a contract shall be considered to be repayment receipts
 21 and used for the purposes of the appropriation made in
 22 this section.

23 Sec. 30. 2011 Iowa Acts, chapter 129, section 138,
 24 is amended to read as follows:

25 SEC. 138. FIELD OPERATIONS. There is appropriated
 26 from the general fund of the state to the department of
 27 human services for the fiscal year beginning July 1,
 28 2012, and ending June 30, 2013, the following amount,
 29 or so much thereof as is necessary, to be used for the
 30 purposes designated:

31 For field operations, including salaries, support,
 32 maintenance, and miscellaneous purposes, and for not
 33 more than the following full-time equivalent positions:

34	\$	<u>27,394,960</u>
35		<u>61,915,440</u>
36	FTEs	1,781.00

37 Priority in filling full-time equivalent positions
 38 shall be given to those positions related to child
 39 protection services and eligibility determination for
 40 low-income families.

41 Notwithstanding section 8.33, moneys appropriated in
 42 this section that remain unencumbered or unobligated
 43 at the close of the fiscal year shall not revert but
 44 shall remain available for expenditure for the purposes
 45 designated until the close of the succeeding fiscal
 46 year.

47 Sec. 31. 2011 Iowa Acts, chapter 129, section 139,
 48 is amended to read as follows:

49 SEC. 139. GENERAL ADMINISTRATION. There is
 50 appropriated from the general fund of the state to

1 the department of human services for the fiscal year
2 beginning July 1, 2012, and ending June 30, 2013, the
3 following amount, or so much thereof as is necessary,
4 to be used for the purpose designated:

5 For general administration, including salaries,
6 support, maintenance, and miscellaneous purposes, and
7 for not more than the following full-time equivalent
8 positions:

9	\$	<u>7,298,372</u>
10		<u>15,841,874</u>
11	FTEs	285.00 <u>295.00</u>

12 1. Of the funds appropriated in this section,
13 ~~\$19,271~~ \$38,543 allocated for the prevention of
14 disabilities policy council established in section
15 225B.3.

16 2. The department shall report at least monthly
17 to the legislative services agency concerning the
18 department's operational and program expenditures.

19 3. Of the funds appropriated in this section,
20 ~~\$66,150~~ \$132,300 shall be used to continue the contract
21 for the provision of a program to provide technical
22 assistance, support, and consultation to providers of
23 habilitation services and home and community-based
24 services waiver services for adults with disabilities
25 under the medical assistance program.

26 4. Of the funds appropriated in this section,
27 ~~\$88,200~~ \$500,000 shall be used to continue the contract
28 to expand the provision of nationally accredited and
29 recognized internet-based training to include mental
30 health and disability services providers.

31 5. Of the funds appropriated in this section,
32 ~~\$250,000~~ \$500,000 shall be used for continuation of
33 child protection system improvements addressed in 2011
34 Iowa Acts, House File 562, as enacted chapter 28.

35 6. Notwithstanding section 8.33, moneys
36 appropriated in this section that remain unencumbered
37 or unobligated at the close of the fiscal year shall
38 not revert but shall remain available for expenditure
39 for the purposes designated until the close of the
40 succeeding fiscal year.

41 Sec. 32. 2011 Iowa Acts, chapter 129, section 140,
42 is amended to read as follows:

43 SEC. 140. VOLUNTEERS. There is appropriated from
44 the general fund of the state to the department of
45 human services for the fiscal year beginning July 1,
46 2012, and ending June 30, 2013, the following amount,
47 or so much thereof as is necessary, to be used for the
48 purpose designated:

49 For development and coordination of volunteer
50 services:

1	\$	<u>42,330</u>
2		<u>84,660</u>

3 PROVIDER REIMBURSEMENT — NURSING FACILITIES

4 Sec. 33. 2011 Iowa Acts, chapter 129, section 141,
5 subsection 1, paragraph a, subparagraph (1), is amended
6 to read as follows:

7 (1) For the fiscal year beginning July 1, 2012, the
8 total state funding amount for the nursing facility
9 budget shall not exceed ~~\$225,457,724~~ \$239,726,901.

10 Sec. 34. 2011 Iowa Acts, chapter 129, section 141,
11 subsection 1, paragraph a, is amended by adding the
12 following new subparagraph:

13 NEW SUBPARAGRAPH. (1A) For the fiscal year
14 beginning July 1, 2012, and ending June 30, 2013,
15 and within the total state funding amount identified
16 in subparagraph (1), the department shall distribute
17 not more than \$2,500,000 in reimbursement to nursing
18 facilities by adjusting the statewide median of the
19 direct care component of nursing facility costs based
20 upon the most recent cost report submitted by the
21 nursing facility for the period ending on or before
22 December 31, 2011, and inflating these costs forward to
23 July 1, 2012, by using the midpoint of each cost report
24 and applying the skilled nursing facility market basket
25 index. The department shall adjust the reimbursement
26 calculated under this subparagraph as necessary to
27 maintain expenditures of the nursing facility budget
28 within the state funding amount specified in this
29 subparagraph and within the total state funding amount
30 identified in subparagraph (1) for the fiscal year.

31 PROVIDER REIMBURSEMENT — PHARMACY, PMICS, HOME HEALTH
32 AGENCIES, HCBS WAIVER

33 Sec. 35. 2011 Iowa Acts, chapter 129, section 141,
34 subsection 1, paragraphs b, f, i, and q, are amended
35 to read as follows:

36 b. (1) For the fiscal year beginning July 1, 2012,
37 the department shall reimburse pharmacy dispensing
38 fees using a ~~single rate of~~ range between \$4.34 per
39 prescription or the pharmacy's usual and customary fee,
40 whichever is lower, ~~and \$11.10 per prescription.~~ The
41 actual dispensing fee set within the range shall be
42 determined by a cost of dispensing survey performed
43 by the department and required to be completed by all
44 medical assistance program participating pharmacies.
45 ~~However, the department shall adjust the dispensing fee~~
46 ~~specified in this paragraph to distribute an additional~~
47 ~~\$2,981,980 in reimbursements for pharmacy dispensing~~
48 ~~fees under this paragraph for the fiscal year.~~

49 (2) The department shall implement an average
50 acquisition cost reimbursement methodology for all

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1 drugs covered under the medical assistance program.
2 The methodology shall utilize a survey of pharmacy
3 invoices from a rotation of pharmacies in determining
4 the average acquisition cost component of pharmacy
5 reimbursement. Pharmacies and providers that are
6 enrolled in the medical assistance program shall make
7 available drug acquisition cost invoice information,
8 product availability information if known, and other
9 information deemed necessary by the department to
10 assist the department in monitoring and revising the
11 reimbursement rates and for efficient operation of
12 the pharmacy benefit. The department shall provide a
13 process for pharmacies to address average acquisition
14 cost prices that are not reflective of the actual cost
15 of a drug.

16 (a) A pharmacy or provider shall produce and submit
17 the requested information in the manner and format
18 requested by the department or its designee at no cost
19 to the department or its designee.

20 (b) A pharmacy or provider shall submit information
21 to the department or its designee within the time
22 frame indicated following receipt of a request for
23 information unless the department or its designee
24 grants an extension upon written request of the
25 pharmacy or provider.

26 f. For the fiscal year beginning July 1, 2012,
27 reimbursement rates for home health agencies shall
28 ~~remain at~~ be increased by 2 percent over the rates in
29 effect on June 30, 2012, not to exceed a home health
30 agency's actual allowable cost.

31 i. (1) For the fiscal year beginning July 1,
32 2012, state-owned psychiatric medical institutions
33 for children shall receive cost-based reimbursement
34 for 100 percent of the actual and allowable costs for
35 the provision of services to recipients of medical
36 assistance.

37 (2) For the nonstate-owned psychiatric medical
38 institutions for children, reimbursement rates shall be
39 based on the reimbursement methodology developed by the
40 department as required for federal compliance.

41 (3) As a condition of participation in the medical
42 assistance program, enrolled providers shall accept the
43 medical assistance reimbursement rate for any covered
44 goods or services provided to recipients of medical
45 assistance who are children under the custody of a
46 psychiatric medical institution for children.

47 q. For the fiscal year beginning July 1, 2012, the
48 ~~department shall adjust the rates in effect on June 30,~~
49 ~~2012, reimbursement rates~~ for providers of home and
50 community-based services waiver services ~~to distribute~~

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1 ~~an additional \$1,500,000 in reimbursements to such~~
2 ~~providers for the fiscal year shall be increased by 2~~
3 ~~percent over the rates in effect on June 30, 2012.~~

4 PROVIDER REIMBURSEMENT — SPECIFIED CHILD WELFARE
5 PROVIDERS

6 Sec. 36. 2011 Iowa Acts, chapter 129, section 141,
7 is amended by adding the following new subsection:

8 NEW SUBSECTION. 6A. For the fiscal year beginning
9 July 1, 2012, the department shall adjust the
10 foster family basic daily maintenance rate, the
11 maximum adoption subsidy rates for children, the
12 family-centered service providers rate, the family
13 foster care service providers rate, the group foster
14 care service providers rate, and the resource family
15 recruitment and retention contractor rate, as such
16 rates are identified in this section and were in effect
17 on June 30, 2012, in order to distribute an additional
18 \$3,070,512 in state reimbursements equitably to such
19 providers for the fiscal year.

20 PROVIDER REIMBURSEMENT — CHILD CARE

21 Sec. 37. 2011 Iowa Acts, chapter 129, section 141,
22 subsection 10, is amended to read as follows:

23 10. For the fiscal year beginning July 1, 2012,
24 for child care providers reimbursed under the state
25 child care assistance program, the department shall
26 set provider reimbursement rates based on the rate
27 reimbursement survey completed in December 2004.
28 Effective July 1, 2012, the child care provider
29 reimbursement rates shall ~~remain at~~ be increased by 4
30 percent over the rates in effect on June 30, 2012. The
31 department shall set rates in a manner so as to provide
32 incentives for a nonregistered provider to become
33 registered by applying the increase only to registered
34 and licensed providers.

35 REBASING STUDY — MEDICAID HOME HEALTH AND HCBS WAIVER
36 SERVICE PROVIDERS

37 Sec. 38. 2011 Iowa Acts, chapter 129, section 141,
38 is amended by adding the following new subsection:

39 NEW SUBSECTION. 10A. The department shall review
40 reimbursement of home health agency and home and
41 community-based services waiver services providers
42 and shall submit a recommendation for a rebasing
43 methodology applicable to such providers for the fiscal
44 year beginning July 1, 2013, and thereafter, to the
45 individuals identified in this division of this Act for
46 receipt of reports.

47 ELDERLY WAIVER

48 Sec. 39. 2011 Iowa Acts, chapter 129, section 141,
49 is amended by adding the following new subsection:

50 NEW SUBSECTION. 10B. The department shall

1 increase the monthly reimbursement cap for the medical
2 assistance home and community-based services waiver for
3 the elderly to \$1,400 per month.

4 DIVISION V

5 HEALTH CARE ACCOUNTS AND FUNDS

6 PHARMACEUTICAL SETTLEMENT ACCOUNT

7 Sec. 40. 2011 Iowa Acts, chapter 129, section 145,
8 is amended to read as follows:

9 SEC. 145. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
10 is appropriated from the pharmaceutical settlement
11 account created in section 249A.33 to the department of
12 human services for the fiscal year beginning July 1,
13 2012, and ending June 30, 2013, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purpose designated:

16 Notwithstanding any provision of law to the
17 contrary, to supplement the appropriations made in this
18 Act for medical contracts under the medical assistance
19 program for the fiscal year beginning July 1, 2012, and
20 ending June 30, 2013:

21 \$ 2,716,807

22 IOWACARE ACCOUNT APPROPRIATIONS — UNIVERSITY OF IOWA
23 HOSPITALS AND CLINICS

24 Sec. 41. 2011 Iowa Acts, chapter 129, section 146,
25 subsection 1, paragraph a, subparagraph (1), is amended
26 to read as follows:

27 (1) Funds appropriated in this subsection shall
28 not be used for abortions ~~shall be used in a manner~~
29 ~~consistent with options under federal Medicaid law~~
30 ~~and regulation.~~ For the purposes of this subsection,
31 “abortion” does not include any of the following:

32 (a) The treatment of a woman for a physical
33 disorder, physical injury, or physical illness,
34 including a life-endangering physical condition caused
35 by or arising from the pregnancy itself, that would,
36 as certified by a physician, place the woman in danger
37 of death.

38 (b) The treatment of a woman for a spontaneous
39 abortion, commonly known as a miscarriage, when not all
40 of the products of conception are expelled.

41 Sec. 42. 2011 Iowa Acts, chapter 129, section 146,
42 subsection 2, unnumbered paragraph 2, is amended to
43 read as follows:

44 For salaries, support, maintenance, equipment, and
45 miscellaneous purposes, for the provision of medical
46 and surgical treatment of indigent patients, for
47 provision of services to members of the expansion
48 population pursuant to chapter 249J, and for medical
49 education:

50 \$ 44,226,279

45,654,133

IOWACARE ACCOUNT — PUBLICLY OWNED ACUTE CARE TEACHING HOSPITAL

Sec. 43. 2011 Iowa Acts, chapter 129, section 146, subsection 4, unnumbered paragraph 2, is amended to read as follows:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 65,000,000
70,000,000

IOWACARE ACCOUNT — PUBLICLY OWNED ACUTE CARE HOSPITAL ALLOCATIONS

Sec. 44. 2011 Iowa Acts, chapter 129, section 146, subsection 4, paragraphs a and b, are amended to read as follows:

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of ~~\$60,000,000~~ \$65,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds ~~\$60,000,000~~ \$65,000,000. The amount paid in excess of ~~\$60,000,000~~ \$65,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of ~~\$60,000,000~~ \$65,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph “b”, of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs, ~~and podiatry services, and optometric services.~~

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection, shall be reimbursed for outpatient prescription drugs, ~~and podiatry services, and optometric services~~ provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed \$4,000,000.

IOWACARE ACCOUNT — REGIONAL PROVIDER NETWORK

Page 50

1 Sec. 45. 2011 Iowa Acts, chapter 129, section 146,
2 subsection 5, unnumbered paragraph 2, is amended to
3 read as follows:

4 For payment to the regional provider network
5 specified by the department pursuant to section 249J.7
6 for provision of covered services to members of the
7 expansion population pursuant to chapter 249J:

8 \$ 3,472,176
9 4,986,366

10 ACCOUNT FOR HEALTH CARE TRANSFORMATION

11 Sec. 46. 2011 Iowa Acts, chapter 129, section 148,
12 is amended to read as follows:

13 SEC. 148. APPROPRIATIONS FROM ACCOUNT FOR
14 HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN
15 SERVICES. Notwithstanding any provision to the
16 contrary, there is appropriated from the account for
17 health care transformation created in section 249J.23
18 to the department of human services for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the
20 following amounts, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 1. For the provision of an IowaCare nurse helpline
23 for the expansion population as provided in section
24 249J.6:

25 \$ 50,000
26 100,000

27 2. For other health promotion partnership
28 activities pursuant to section 249J.14:
29 \$ 300,000
30 600,000

31 3. For the costs related to audits, performance
32 evaluations, and studies required pursuant to chapter
33 249J:
34 \$ 62,500
35 125,000

36 4. For administrative costs associated with chapter
37 249J:
38 \$ 566,206
39 1,132,412

40 5. For planning and development, in cooperation
41 with the department of public health, of a phased-in
42 program to provide a dental home for children in
43 accordance with section 249J.14:
44 \$ 500,000
45 1,000,000

46 6. For continuation of the establishment of the
47 tuition assistance for individuals serving individuals
48 with disabilities pilot program, as enacted in 2008
49 Iowa Acts, chapter 1187, section 130:
50 \$ 25,000

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1		<u>50,000</u>
2	7. For medical contracts:	
3 \$	<u>1,000,000</u>
4		<u>2,400,000</u>
5	8. For payment to the publicly owned acute care	
6	teaching hospital located in a county with a population	
7	of over 350,000 that is a participating provider	
8	pursuant to chapter 249J:	
9	..... \$	<u>145,000</u>
10		<u>540,000</u>
11	Disbursements under this subsection shall be made	
12	monthly. The hospital shall submit a report following	
13	the close of the fiscal year regarding use of the	
14	funds appropriated in this subsection to the persons	
15	specified in this Act to receive reports.	
16	9. For transfer to the department of public health	
17	to be used for the costs of medical home system	
18	advisory council established pursuant to section	
19	135.159:	
20	..... \$	<u>116,679</u>
21		<u>233,357</u>
22	10. For continued implementation of a uniform cost	
23	report:	
24	..... \$	<u>75,000</u>
25		<u>150,000</u>
26	11. For continued implementation of an electronic	
27	medical records system:	
28	..... \$	<u>50,000</u>
29		<u>100,000</u>
30	Notwithstanding section 8.33, funds allocated in	
31	this subsection that remain unencumbered or unobligated	
32	at the close of the fiscal year shall not revert but	
33	shall remain available in succeeding fiscal years to be	
34	used for the purposes designated.	
35	12. For transfer to the department of public health	
36	to support the department's activities relating to	
37	health and long-term care access as specified pursuant	
38	to chapter 135, division XXIV:	
39	..... \$	<u>67,107</u>
40		<u>134,214</u>
41	13. For continuation of an accountable care	
42	organization pilot project:	
43	..... \$	<u>50,000</u>
44		<u>100,000</u>
45	<u>14. For the continued development of a provider</u>	
46	<u>payment system plan to provide recommendations to</u>	
47	<u>reform the health care provider payment system as an</u>	
48	<u>effective way to promote coordination of care, lower</u>	
49	<u>costs, and improve quality:</u>	
50	..... \$	<u>100,000</u>

1 15. For transfer to the department of public health
2 to be used as state matching funds for the health
3 information technology ~~system~~ network developed by the
4 department of public health:
5 \$ 181,003
6 363,987

7 16. To supplement the appropriation for medical
8 assistance:
9 ~~\$1,956,245~~ 4,106,245

10 Notwithstanding section 8.39, subsection 1, without
11 the prior written consent and approval of the governor
12 and the director of the department of management, the
13 director of human services may transfer funds among
14 the appropriations made in this section as necessary
15 to carry out the purposes of the account for health
16 care transformation. The department shall report
17 any transfers made pursuant to this section to the
18 legislative services agency.

19 MEDICAID FRAUD FUND

20 Sec. 47. 2011 Iowa Acts, chapter 129, section 150,
21 is amended to read as follows:
22 SEC. 150. MEDICAID FRAUD ACCOUNT FUND — DEPARTMENT
23 OF HUMAN SERVICES. There is appropriated from the
24 Medicaid fraud ~~account fund~~ created in section 249A.7
25 to the department of human services for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the
27 following amount, or so much thereof as is necessary,
28 to be used for the purposes designated:
29 To supplement the appropriation made in this Act
30 from the general fund of the state to the department of
31 human services for medical assistance for the fiscal
32 year beginning July 1, 2012, and ending June 30, 2013:
33 \$ 2,000,000

34 QUALITY ASSURANCE TRUST FUND

35 Sec. 48. 2011 Iowa Acts, chapter 129, section 151,
36 is amended to read as follows:
37 SEC. 151. QUALITY ASSURANCE TRUST FUND —
38 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
39 any provision to the contrary and subject to the
40 availability of funds, there is appropriated from the
41 quality assurance trust fund created in section 249L.4
42 to the department of human services for the fiscal year
43 beginning July 1, 2012, and ending June 30, 2013, the
44 following amounts, or so much thereof as is necessary
45 for the purposes designated:
46 To supplement the appropriation made in this Act
47 from the general fund of the state to the department of
48 human services for medical assistance:
49 \$ 29,000,000
50 26,500,000

1 HOSPITAL HEALTH CARE ACCESS TRUST FUND

2 Sec. 49. 2011 Iowa Acts, chapter 129, section 152,
3 is amended to read as follows:

4 SEC. 152. HOSPITAL HEALTH CARE ACCESS TRUST FUND

5 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding

6 any provision to the contrary and subject to the
7 availability of funds, there is appropriated from
8 the hospital health care access trust fund created in
9 section 249M.4 to the department of human services for
10 the fiscal year beginning July 1, 2012, and ending June
11 30, 2013, the following amounts, or so much thereof as
12 is necessary, for the purposes designated:

13 1. To supplement the appropriation made in this Act
14 from the general fund of the state to the department of
15 human services for medical assistance:

16	\$	<u>30,223,800</u>
17		<u>33,898,400</u>

18 2. For deposit in the nonparticipating provider
19 reimbursement fund created in section 249J.24A to be
20 used for the purposes of the fund:

21	\$	<u>776,200</u>
22		<u>801,600</u>

23 MISCELLANEOUS PROVISIONS

24 Sec. 50. REPEAL. 2011 Iowa Acts, chapter 129,
25 section 149, is repealed.

26 DIVISION VI

27 CHILDREN’S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT
28 CONTINGENCY FUND

29 Sec. 51. CHILDREN’S HEALTH INSURANCE PROGRAM —
30 CHILD ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE
31 OF FUNDS — FY 2011–2012.

32 1. Moneys received from the federal government
33 through the child enrollment contingency fund
34 established pursuant to section 103 of the federal
35 Children’s Health Insurance Program Reauthorization
36 Act of 2009, Pub. L. No. 111-3, are appropriated to
37 the department of human services for the fiscal year
38 beginning July 1, 2011, and ending June 30, 2012, to be
39 used in addition to any other amounts appropriated for
40 the same purposes for the fiscal year as follows:

41 a. For adoption subsidy payments and services:

42	\$	2,177,355
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43 b. For child care programs:

44	\$	1,212,432
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45 c. For transfer to the department of public health
46 to be used for tobacco use prevention, cessation, and
47 treatment through support of Quitline Iowa:

48	\$	350,000
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49 2. Notwithstanding section 8.39, and to the extent
50 that funds appropriated in this section are unexpended

1 or unobligated for the purposes specified in subsection
 2 1, the department of human services may transfer funds
 3 within or between any of the appropriations made in
 4 this section for the following purposes:

- 5 a. For adoption subsidy payments and services.
- 6 b. For child care assistance.

7 Sec. 52. CHILDREN’S HEALTH INSURANCE PROGRAM —
 8 CHILD ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE
 9 OF FUNDS — FY 2012–2013.

10 1. a. Moneys received from the federal government
 11 through the child enrollment contingency fund
 12 established pursuant to section 103 of the federal
 13 Children’s Health Insurance Program Reauthorization
 14 Act of 2009, Pub. L. No. 111-3, are appropriated to
 15 the department of human services for the fiscal year
 16 beginning July 1, 2012, and ending June 30, 2013, to be
 17 used in addition to any other amounts appropriated for
 18 the same purposes for the fiscal year as follows:

19 (1) For adoption subsidy payments and services:		
20	\$	5,290,441
21 (2) For child care programs:		
22	\$	7,969,021
23 (3) For mental health and disability services		
24 redesign technical assistance services:		
25	\$	500,000
26 (4) For the field operations integrity claims unit:		
27	\$	961,100
28 (5) For medical assistance program reimbursement		
29 and associated costs:		
30	\$	4,950,428
31 (6) For lodging expenses associated with patient		
32 care provided at the university of Iowa hospital and		
33 clinics under chapter 249J:		
34	\$	200,000

35 The department of human services shall establish the
 36 maximum number of overnight stays and the maximum rate
 37 reimbursed for overnight lodging, which may be based on
 38 the state employee rate established by the department
 39 of administrative services. The funds allocated under
 40 this subparagraph shall not be used as nonfederal share
 41 matching funds.

42 (7) For ambulance services associated with patient		
43 care provided under chapter 249J:		
44	\$	200,000

45 The department of human services shall establish
 46 requirements for use of funds in this subparagraph for
 47 ambulance services when no other third-party payment is
 48 available. The funds allocated in this subparagraph
 49 shall not be used as nonfederal share matching funds.

- 50 (8) For the public purpose of distribution to

1 a statewide nonprofit organization consisting of
2 low-income housing and homelessness service providers,
3 advocates, local governments, lending institutions,
4 and low-income and homeless individuals to be used to
5 empower low-income individuals and to increase their
6 access to affordable housing:

7 \$ 100,000

8 b. Notwithstanding section 8.39, and to the
9 extent that funds appropriated in this subsection are
10 unexpended or unobligated for the purposes specified
11 in paragraph “a”, subparagraphs (1) and (2), for the
12 fiscal year beginning July 1, 2012, the department of
13 human services may transfer funds within or between any
14 of the appropriations made in this subsection for the
15 following purposes:

- 16 (1) For adoption subsidy payments and services.
- 17 (2) For child care assistance.

18 2. Moneys received from the federal government
19 through the child enrollment contingency fund
20 established pursuant to section 103 of the federal
21 Children’s Health Insurance Program Reauthorization
22 Act of 2009, Pub. L. No. 111-3, are appropriated to
23 the department of human services for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, to be
25 used for audit settlements:

26 \$ 2,405,936

27 Notwithstanding section 8.33, moneys appropriated in
28 this subsection that remain unencumbered or unobligated
29 at the close of the fiscal year shall not revert to any
30 other fund but shall remain available for expenditure
31 for the purposes designated until the close of the
32 succeeding fiscal year.

33 Sec. 53. EFFECTIVE DATE PROVISIONS. The section of
34 this division of this Act appropriating moneys received
35 through the federal Child Enrollment Contingency Fund
36 for the fiscal year beginning July 1, 2011, and ending
37 June 30, 2012, being deemed of immediate importance,
38 take effect upon enactment.

39 Sec. 54. RETROACTIVE APPLICABILITY. The section of
40 this division of this Act appropriating moneys received
41 through the federal Child Enrollment Contingency Fund
42 for the fiscal year beginning July 1, 2011, and ending
43 June 30, 2012, applies retroactively to July 1, 2011.

44 DIVISION VII

45 MENTAL HEALTH AND DISABILITY SERVICES MEDICAL
46 ASSISTANCE PROGRAM ADDITIONAL FUNDING

47 Sec. 55. RISK POOL APPROPRIATION FOR MEDICAL
48 ASSISTANCE PROGRAM. All moneys remaining in the risk
49 pool of the property tax relief fund on June 30,
50 2012, following the distributions made pursuant to

1 2012 Iowa Acts, Senate File 2071, are appropriated to
2 the department of human services for the fiscal year
3 beginning July 1, 2012, and ending June 30, 2013, to be
4 used for the purpose designated:

5 To be credited to the appropriation made for the
6 medical assistance program in 2011 Iowa Acts, chapter
7 129, section 122.

8 Sec. 56. MENTAL HEALTH AND DISABILITY SERVICES
9 REDESIGN. There is appropriated from the general fund
10 of the state to the department of human services for
11 the fiscal year beginning July 1, 2012, and ending June
12 30, 2013, the following amount, or so much thereof as
13 is necessary, to be used for the purposes designated:

14 For the medical assistance program appropriation
15 for the fiscal year for the expense of replacing
16 the enhanced match rate provided through the federal
17 American Recovery and Reinvestment Act of 2009 and
18 for the reduction in the federal medical assistance
19 percentage associated with the mental health and
20 disabilities services for which the match has been paid
21 by counties:

22 \$ 24,893,762
23

DIVISION VIII

24 PRIOR APPROPRIATIONS AND RELATED CHANGES
25 INJURED VETERANS GRANT PROGRAM

26 Sec. 57. 2008 Iowa Acts, chapter 1187, section 69,
27 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
28 chapter 182, section 83, 2010 Iowa Acts, chapter 1192,
29 section 56, and 2011 Iowa Acts, chapter 129, section
30 53, is amended to read as follows:

31 Notwithstanding section 8.33, moneys appropriated in
32 this subsection that remain unencumbered or unobligated
33 at the close of the fiscal year shall not revert but
34 shall remain available for expenditure for the purposes
35 designated until the close of the fiscal year beginning
36 July 1, ~~2011~~ 2012.

37 CHILD WELFARE DECATEGORIZATION
38 FY 2009–2010 NONREVERSION

39 Sec. 58. 2009 Iowa Acts, chapter 182, section 14,
40 subsection 5, unnumbered paragraph 2, as enacted by
41 2011 Iowa Acts, chapter 129, section 55, is amended to
42 read as follows:

43 Notwithstanding section 232.188, subsection 5,
44 moneys from the allocations made in this subsection or
45 made from any other source for the decategorization of
46 child welfare and juvenile justice funding initiative
47 under section 232.188 for the fiscal year beginning
48 July 1, 2009, that are designated as carryover funding
49 that remain unencumbered or unobligated at the close
50 of the fiscal year beginning July 1, 2010, shall not

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1 revert but shall be transferred ~~to~~ in equal amounts to
 2 the community housing and services for persons with
 3 disabilities revolving loan program fund created in
 4 section 16.185, as enacted by this division of this
 5 2011 Act and to the supportive and residential services
 6 for individuals who meet the psychiatric medical
 7 institution for children level of care competitive
 8 grant program fund created in section 16.185A, as
 9 enacted by this 2012 Act.

10 IOWA VETERANS HOME

11 Sec. 59. 2011 Iowa Acts, chapter 129, section 3,
 12 subsection 2, is amended by adding the following new
 13 paragraph:

14 NEW PARAGRAPH. d. The funds appropriated in this
 15 subsection to the Iowa veterans home that remain
 16 available for expenditure for the succeeding fiscal
 17 year pursuant to section 35D.18, subsection 5, shall
 18 be distributed to be used in the succeeding fiscal
 19 year in accordance with this lettered paragraph. The
 20 first \$500,000 shall remain available to be used for
 21 the purposes of the Iowa veterans home. Any remaining
 22 balance shall be credited to the appropriation in this
 23 Act for the fiscal year beginning July 1, 2012, for
 24 medical assistance.

25 FAMILY INVESTMENT PROGRAM — GENERAL FUND

26 Sec. 60. 2011 Iowa Acts, chapter 129, section 7, is
 27 amended by adding the following new subsection:

28 NEW SUBSECTION. 5. Notwithstanding section
 29 8.33, moneys appropriated in this section that remain
 30 unencumbered or unobligated at the close of the fiscal
 31 year shall not revert but shall remain available for
 32 expenditure for the purposes designated until the close
 33 of the succeeding fiscal year.

34 MEDICAL ASSISTANCE

35 Sec. 61. 2011 Iowa Acts, chapter 129, section 10,
 36 subsection 20, paragraph d, is amended to read as
 37 follows:

38 d. If the savings to the medical assistance
 39 program exceed the cost, the department may transfer
 40 any savings generated for the fiscal year due to
 41 medical assistance program cost containment efforts
 42 initiated pursuant to 2010 Iowa Acts, chapter 1031,
 43 Executive Order No. 20, issued December 16, 2009, or
 44 cost containment strategies initiated pursuant to this
 45 subsection, to the ~~appropriation~~ appropriations made
 46 in this division of this Act for medical contracts or
 47 general administration to defray the increased contract
 48 costs associated with implementing such efforts.

49 BEHAVIORAL HEALTH SERVICES ACCOUNT — MEDICAL 50 ASSISTANCE

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1 Sec. 62. 2011 Iowa Acts, chapter 129, section 10,
2 is amended by adding the following new subsection:
3 NEW SUBSECTION. 26. Notwithstanding 2009 Iowa
4 Acts, chapter 182, section 9, subsection 16, paragraph
5 “b”, as amended by 2010 Iowa Acts, chapter 1192,
6 section 63, as amended by 2011 Iowa Acts, chapter
7 129, section 54, funds in the account that remain
8 unencumbered or unobligated at the end of the fiscal
9 year beginning July 1, 2011, are appropriated to the
10 department of human services to be used for the medical
11 assistance program for the succeeding fiscal year.

12 STATE SUPPLEMENTARY ASSISTANCE

13 Sec. 63. 2011 Iowa Acts, chapter 129, section 11,
14 is amended by adding the following new subsection:
15 NEW SUBSECTION. 4. Notwithstanding section
16 8.33, moneys appropriated in this section that remain
17 unencumbered or unobligated at the close of the fiscal
18 year shall not revert but shall remain available for
19 expenditure for the purposes designated until the close
20 of the succeeding fiscal year.

21 FIELD OPERATIONS

22 Sec. 64. 2011 Iowa Acts, chapter 129, section
23 25, is amended by adding the following new unnumbered
24 paragraph:
25 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
26 8.33, moneys appropriated in this section that remain
27 unencumbered or unobligated at the close of the fiscal
28 year shall not revert but shall remain available for
29 expenditure for the purposes designated until the close
30 of the succeeding fiscal year.

31 GENERAL ADMINISTRATION

32 Sec. 65. 2011 Iowa Acts, chapter 129, section 26,
33 is amended by adding the following new subsection:
34 NEW SUBSECTION. 6. Notwithstanding section
35 8.33, moneys appropriated in this section that remain
36 unencumbered or unobligated at the close of the fiscal
37 year shall not revert but shall remain available for
38 expenditure for the purposes designated until the close
39 of the succeeding fiscal year.

40 IOWACARE DISTRIBUTIONS

41 Sec. 66. 2011 Iowa Acts, chapter 129, section
42 35, subsection 4, paragraph a, is amended to read as
43 follows:
44 a. Notwithstanding any provision of law to the
45 contrary, the amount appropriated in this subsection
46 shall be distributed based on claims submitted,
47 adjudicated, and paid by the Iowa Medicaid enterprise
48 plus a monthly disproportionate share hospital payment.
49 Any amount appropriated in this subsection in excess
50 of ~~\$60,000,000~~ \$56,500,000 shall be distributed

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1 only if the sum of the expansion population claims
2 adjudicated and paid by the Iowa Medicaid enterprise
3 plus the estimated disproportionate share hospital
4 payments exceeds ~~\$60,000,000~~ \$56,500,000. The amount
5 paid in excess of ~~\$60,000,000~~ \$56,500,000 shall
6 not adjust the original monthly payment amount but
7 shall be distributed monthly based on actual claims
8 adjudicated and paid by the Iowa Medicaid enterprise
9 plus the estimated disproportionate share hospital
10 amount. Any amount appropriated in this subsection in
11 excess of ~~\$60,000,000~~ \$56,500,000 shall be allocated
12 only if federal funds are available to match the
13 amount allocated. Pursuant to paragraph “b”, of the
14 amount appropriated in this subsection, not more than
15 \$4,000,000 shall be distributed for prescription drugs
16 and podiatry services.

17 Sec. 67. 2011 Iowa Acts, chapter 129, section 35,
18 subsection 4, paragraph d, subparagraph (2), is amended
19 to read as follows:

20 (2) Notwithstanding the amount collected and
21 distributed for deposit in the IowaCare account
22 pursuant to section 249J.24, subsection 4, paragraph
23 “a”, subparagraph (2), the first \$19,000,000 in
24 collections pursuant to section 347.7 between January
25 1, 2012, and June 30, 2012, shall be distributed to
26 the treasurer of state for deposit in the IowaCare
27 account and collections during this time period in
28 excess of \$19,000,000 shall be distributed to the acute
29 care teaching hospital identified in this subsection.
30 ~~Of the collections in excess of the \$19,000,000~~
31 ~~received by the acute care teaching hospital under this~~
32 ~~subparagraph (2), \$2,000,000 shall be distributed by~~
33 ~~the acute care teaching hospital to the treasurer of~~
34 ~~state for deposit in the IowaCare account in the month~~
35 ~~of July 2012, following the January 1 through June 30,~~
36 ~~2012, period.~~

37 Sec. 68. IMMEDIATE EFFECTIVE DATE. This division
38 of this Act, being deemed of immediate importance,
39 takes effect upon enactment.

40 Sec. 69. RETROACTIVE APPLICABILITY. The
41 following sections of this division of this Act apply
42 retroactively to July 1, 2011:

43 1. The section relating to the transfer of funds
44 from costs savings under the medical assistance program
45 to appropriations for medical contracts or general
46 administration for the fiscal year beginning July 1,
47 2011, and ending June 30, 2012.

48 2. The section relating to the nonreversion of
49 decategorization of child welfare and juvenile justice
50 funds.

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1 3. The section relating to the distribution of
2 IowaCare program funds.

3 DIVISION IX

4 MISCELLANEOUS

5 Sec. 70. NEW SECTION. 8A.441 Medication therapy
6 management.

7 1. As used in this section, unless the context
8 otherwise requires:

9 a. "Eligible employee" means an employee of the
10 state, with the exception of an employee of the state
11 board of regents or institutions under the state board
12 of regents, for whom group health plans are established
13 pursuant to chapter 509A providing for third-party
14 payment or prepayment for health or medical expenses.

15 b. "Medication therapy management" means a
16 systematic process performed by a licensed pharmacist,
17 designed to improve quality outcomes for patients
18 and lower health care costs, including emergency
19 room, hospital, provider, and other costs, by
20 optimizing appropriate medication use linked directly
21 to achievement of the clinical goals of therapy.
22 Medication therapy management shall include all of the
23 following services:

24 (1) A medication therapy review and in-person
25 consultation relating to all medications, vitamins, and
26 herbal supplements currently being taken by an eligible
27 individual.

28 (2) A medication action plan, subject to the
29 limitations specified in this section, communicated
30 to the individual and the individual's primary care
31 physician or other appropriate prescriber to address
32 issues including appropriateness, effectiveness,
33 safety, drug interactions, and adherence. The
34 medication action plan may include drug therapy
35 recommendations to prescribers that are needed to meet
36 clinical goals and achieve optimal patient outcomes.

37 (3) Documentation and follow-up to ensure
38 consistent levels of pharmacy services and positive
39 outcomes.

40 2. a. The department shall utilize a request for
41 proposals process and shall enter into a contract for
42 the provision of medication therapy management services
43 for eligible employees who meet any of the following
44 criteria:

45 (1) An individual who takes four or more
46 prescription drugs to treat or prevent two or more
47 chronic medical conditions.

48 (2) An individual with a prescription drug therapy
49 problem who is identified by the prescribing physician
50 or other appropriate prescriber, and referred to a

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1 pharmacist for medication therapy management services.
2 (3) An individual who meets other criteria
3 established by the third-party payment provider
4 contract, policy, or plan.
5 b. The contract shall require the entity to provide
6 annual reports to the general assembly detailing
7 the costs, savings, estimated cost avoidance and
8 return on investment, and improved patient outcomes
9 related to the medication therapy management services
10 provided. The entity shall guarantee demonstrated
11 annual savings for overall health care costs, including
12 emergency room, hospital, provider, and other costs,
13 with savings including associated cost avoidance, at
14 least equal to the program's costs with any shortfall
15 amount refunded to the state. The contract shall
16 include terms, conditions, and applicable measurement
17 standards associated with the demonstration of savings.
18 The department shall verify the demonstrated savings
19 reported by the entity were achieved in accordance with
20 the agreed upon measurement standards. The entity
21 shall be prohibited from using the entity's employees
22 to provide the medication therapy management services
23 and shall instead be required to contract with licensed
24 pharmacies, pharmacists, or physicians.
25 c. The department may establish an advisory
26 committee comprised of an equal number of physicians
27 and pharmacists to provide advice and oversight in
28 evaluating the results of the program. The department
29 shall appoint the members of the advisory committee
30 based upon designees of the Iowa pharmacy association,
31 the Iowa medical society, and the Iowa osteopathic
32 medical association.
33 d. The fees for pharmacist-delivered medication
34 therapy management services shall be separate from
35 the reimbursement for prescription drug product or
36 dispensing services; shall be determined by each
37 third-party payment provider contract, policy, or plan;
38 and must be reasonable based on the resources and time
39 required to provide the service.
40 e. A fee shall be established for physician
41 reimbursement for services delivered for medication
42 therapy management as determined by each third-party
43 payment provider contract, policy, or plan, and must be
44 reasonable based on the resources and time required to
45 provide the service.
46 f. If any part of the medication therapy management
47 plan developed by a pharmacist incorporates services
48 which are outside the pharmacist's independent scope
49 of practice including the initiation of therapy,
50 modification of dosages, therapeutic interchange, or

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1 changes in drug therapy, the express authorization
2 of the individual's physician or other appropriate
3 prescriber is required.

4 Sec. 71. NEW SECTION. 16.185A Supportive and
5 residential services for individuals who meet the
6 psychiatric medical institution for children level of
7 care — competitive grant program fund.

8 1. A supportive and residential services
9 competitive grant program fund is created within the
10 authority to further the availability of supportive
11 and residential services for individuals who meet the
12 psychiatric medical institution for children level of
13 care under the medical assistance program. The moneys
14 in the fund are appropriated to the authority to be
15 used for the development and operation of a competitive
16 grant program to provide financing to construct
17 supportive housing or develop the infrastructure in
18 which to provide supportive services, including through
19 new construction, acquisition and rehabilitation of
20 existing housing or infrastructure, or conversion or
21 adaptive reuse.

22 2. Moneys transferred by the authority for
23 deposit in the competitive grant program fund, moneys
24 appropriated to the competitive grant program,
25 and any other moneys available to and obtained
26 or accepted by the authority for placement in the
27 fund shall be credited to the fund. Additionally,
28 payment of interest, recaptures of awards, and other
29 repayments to the fund shall be credited to the fund.
30 Notwithstanding section 12C.7, subsection 2, interest
31 or earnings on moneys in the fund shall be credited
32 to the fund. Notwithstanding section 8.33, moneys
33 credited to the fund from any other fund that remain
34 unencumbered or unobligated at the close of the fiscal
35 year shall not revert to the other fund.

36 3. The authority shall allocate moneys in the
37 fund to the extent available for the development of
38 supportive housing or the infrastructure in which to
39 provide supportive services for individuals who meet
40 the psychiatric medical institution for children level
41 of care under the medical assistance program. Moneys
42 allocated to such projects shall be in the form of
43 competitive grants. An application submitted shall
44 contain a commitment of at least a dollar-for-dollar
45 match of the grant assistance.

46 4. a. A project shall demonstrate written approval
47 of the project by the department of human services to
48 the authority prior to application for funding under
49 this section.

50 b. In order to be approved by the department of

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1 human services for application for funding under this
2 section, a project shall include all of the following
3 components:

4 (1) Provision of services to individuals who meet
5 the psychiatric medical institution for children level
6 of care under the medical assistance program.

7 (2) Policies and procedures that prohibit discharge
8 of the individual from the services provided by the
9 project provider unless an alternative placement that
10 is acceptable to the client or the client's guardian is
11 identified.

12 5. Housing provided through a project under this
13 section is exempt from the requirements of chapter
14 135O.

15 6. The authority, in collaboration with the
16 department of human services, shall adopt rules
17 pursuant to chapter 17A to administer this section.

18 Sec. 72. Section 97B.39, Code 2011, is amended to
19 read as follows:

20 97B.39 Rights not transferable or subject to legal
21 process — exceptions.

22 The right of any person to any future payment under
23 this chapter is not transferable or assignable, at
24 law or in equity, and the moneys paid or payable or
25 rights existing under this chapter are not subject to
26 execution, levy, attachment, garnishment, or other
27 legal process, or to the operation of any bankruptcy
28 or insolvency law except for the purposes of enforcing
29 child, spousal, or medical support obligations or
30 marital property orders, or for recovery of medical
31 assistance payments pursuant to section 249A.5.

32 For the purposes of enforcing child, spousal, or
33 medical support obligations, the garnishment or
34 attachment of or the execution against compensation
35 due a person under this chapter shall not exceed
36 the amount specified in 15 U.S.C. § 1673(b). The
37 system shall comply with the provisions of a marital
38 property order requiring the selection of a particular
39 benefit option, designated beneficiary, or contingent
40 annuitant if the selection is otherwise authorized
41 by this chapter and the member has not received
42 payment of the member's first retirement allowance.
43 However, a marital property order shall not require
44 the payment of benefits to an alternative payee prior
45 to the member's retirement, prior to the date the
46 member elects to receive a lump sum distribution of
47 accumulated contributions pursuant to section 97B.53,
48 or in an amount that exceeds the benefits the member
49 would otherwise be eligible to receive pursuant to this
50 chapter.

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1 Sec. 73. Section 135.11, Code Supplement 2011, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 31. Administer a public awareness
4 program for human papillomavirus infection vaccination
5 by identifying medically accurate materials that
6 contain information regarding the risks associated with
7 the various forms of the infection in causing cervical
8 cancer, and any other diseases for which the department
9 may recommend immunization or immunization information,
10 and the availability, effectiveness, and potential
11 risks of those vaccines. The department shall make
12 the identified materials available on the department's
13 internet site, provide education and training to
14 health professionals and the general public regarding
15 the vaccines, and notify each school district in the
16 state of the availability of the information. For the
17 purposes of this subsection, "human papillomavirus"
18 means the group of viruses identified by the centers
19 for disease control and prevention of the United States
20 department of health and human services.

21 Sec. 74. Section 135H.10, subsection 3, Code 2011,
22 is amended by striking the subsection.

23 Sec. 75. Section 144D.4, as enacted by 2012 Iowa
24 Acts, House File 2165, section 5, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 10. A POST form executed between
27 July 1, 2008, and June 30, 2012, as part of the patient
28 autonomy in health care decisions pilot project created
29 pursuant to 2008 Iowa Acts, chapter 1188, section 36,
30 as amended by 2010 Iowa Acts, chapter 1192, section 58,
31 shall remain effective until revoked or until a new
32 POST form is executed pursuant to this chapter.

33 Sec. 76. Section 225B.8, Code Supplement 2011, is
34 amended to read as follows:

35 225B.8 Repeal.

36 This chapter is repealed July 1, ~~2012~~ 2017.

37 Sec. 77. NEW SECTION. 231.45 Certified volunteer
38 long-term care resident's advocate program.

39 1. The department shall establish a certified
40 volunteer long-term care resident's advocate program in
41 accordance with the federal Act to provide assistance
42 to the state and local long-term care resident's
43 advocates.

44 2. The department shall develop and implement a
45 certification process for volunteer long-term care
46 resident's advocates including but not limited to
47 an application process, provision for background
48 checks, classroom or on-site training, orientation, and
49 continuing education.

50 3. The provisions of section 231.42 relating to

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1 local long-term care resident's advocates shall apply
2 to certified volunteer long-term care resident's
3 advocates.

4 4. The department shall adopt rules pursuant to
5 chapter 17A to administer this section.

6 Sec. 78. Section 237.3, Code 2011, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 11. The department shall adopt
9 rules to administer a certified foster care respite
10 provider program to provide respite in a licensed
11 foster home. The certified respite provider program
12 shall provide care, supervision, or guidance of a
13 foster child when the child is placed with a licensed
14 foster home. The certified foster care respite
15 provider shall be responsible to have liability
16 insurance to provide for any loss or damage arising out
17 of occurrences during the provision of certified foster
18 care respite provider care.

19 Sec. 79. Section 237.13, subsection 4, Code 2011,
20 is amended by adding the following new paragraph:

21 NEW PARAGRAPH. h. Any loss or damage arising out
22 of occurrences during the provision of certified foster
23 care respite provider care pursuant to section 237.3,
24 subsection 11.

25 Sec. 80. NEW SECTION. 239B.2C Absence from home
26 — incarceration.

27 An individual family member who is absent from the
28 home for more than three months because the individual
29 is incarcerated in jail or a correctional facility
30 shall not be included in the family unit for purposes
31 of assistance.

32 Sec. 81. NEW SECTION. 249A.17 Reimbursement for
33 providers of outpatient clinical services for children.

34 1. Providers that meet the criteria specified in
35 subsection 2, shall receive cost-based reimbursement
36 for one hundred percent of the reasonable costs, as
37 determined by Medicare reimbursement principles, for
38 provision of outpatient clinical services for children
39 who are recipients of medical assistance.

40 2. In order to be eligible for reimbursement under
41 this section, a provider shall be an accredited,
42 nonprofit agency that meets all of the following
43 criteria:

44 a. Provides clinical outpatient services to
45 children of whom at least sixty percent are recipients
46 of medical assistance.

47 b. Provides at least three children's mental health
48 services including inpatient services, outpatient
49 services, psychiatric and psychological services, and
50 behavioral health intervention services.

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1 c. Directly employs a psychiatrist, psychologist,
 2 and licensed therapist.

3 Sec. 82. Section 453A.35, Code Supplement 2011, is
 4 amended to read as follows:

5 453A.35 Tax and fees paid to ~~general fund—~~
 6 ~~standing appropriation to~~ health care trust fund.

7 1. ~~a. With the exception of revenues credited to~~
 8 ~~the health care trust fund pursuant to paragraph “b”,~~
 9 ~~the~~ The proceeds derived from the sale of stamps and
 10 the payment of taxes, fees, and penalties provided for
 11 under this chapter, and the permit fees received from
 12 all permits issued by the department, shall be credited
 13 to the ~~general fund of the state.~~

14 ~~b. Of the revenues generated from the tax on~~
 15 ~~cigarettes pursuant to section 453A.6, subsection 1,~~
 16 ~~and from the tax on tobacco products as specified in~~
 17 ~~section 453A.43, subsections 1, 2, 3, and 4, the first~~
 18 ~~one hundred six million sixteen thousand four hundred~~
 19 ~~dollars shall be credited to the health care trust fund~~
 20 ~~created in section 453A.35A.~~

21 2. All permit fees provided for in this chapter and
 22 collected by cities in the issuance of permits granted
 23 by the cities shall be paid to the treasurer of the
 24 city where the permit is effective, or to another city
 25 officer as designated by the council, and credited to
 26 the general fund of the city. Permit fees so collected
 27 by counties shall be paid to the county treasurer.

28 Sec. 83. Section 453A.35A, subsection 1, Code
 29 Supplement 2011, is amended to read as follows:

30 1. A health care trust fund is created in the
 31 office of the treasurer of state. The fund consists
 32 of the revenues ~~generated from the tax on cigarettes~~
 33 ~~pursuant to section 453A.6, subsection 1, and from~~
 34 ~~the tax on tobacco products as specified in section~~
 35 ~~453A.43, subsections 1, 2, 3, and 4, that are credited~~
 36 ~~to the health care trust fund, annually, pursuant to~~
 37 ~~section 453A.35 derived from the sale of stamps and~~
 38 ~~the payment of taxes, fees, and penalties provided~~
 39 ~~for under this chapter, and the permit fees received~~
 40 ~~from all permits issued by the department.~~ Moneys
 41 in the fund shall be separate from the general fund
 42 of the state and shall not be considered part of the
 43 general fund of the state. However, the fund shall
 44 be considered a special account for the purposes
 45 of section 8.53 relating to generally accepted
 46 accounting principles. Moneys in the fund shall be
 47 used only as specified in this section and shall be
 48 appropriated only for the uses specified. Moneys in
 49 the fund are not subject to section 8.33 and shall
 50 not be transferred, used, obligated, appropriated,

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1 or otherwise encumbered, except as provided in this
2 section. Notwithstanding section 12C.7, subsection 2,
3 interest or earnings on moneys deposited in the fund
4 shall be credited to the fund.

5 Sec. 84. COST-BASED REIMBURSEMENT — PROVIDERS OF
6 CHILDREN'S OUTPATIENT CLINICAL SERVICES.

7 1. The department of human services shall seek
8 federal approval to amend the medical assistance
9 program state plan and shall amend the contract
10 with the department's managed care contractor for
11 behavioral health services under the medical assistance
12 program to provide medical assistance reimbursement to
13 providers that meet the criteria specified in section
14 249A.17, as enacted in this division of this Act, at
15 100 percent of the reasonable costs for recipients of
16 medical assistance for outpatient clinical services for
17 children.

18 2. Implementation of section 249A.17, as enacted
19 in this division of this Act, is contingent upon
20 receipt of federal approval and limited to the funding
21 made available through amending the contract with the
22 managed care contractor.

23 3. The department shall adopt rules pursuant to
24 chapter 17A to provide reimbursement for outpatient
25 clinical services for children as described in this
26 section. The rules shall provide that reimbursement
27 shall initially be paid on an interim basis and
28 subsequently adjusted retroactively based on submission
29 of financial and statistical reports as required by the
30 department.

31 Sec. 85. EFFECTIVE UPON ENACTMENT. The section
32 of this division of this Act enacting section 8A.441,
33 being deemed of immediate importance, takes effect upon
34 enactment.

35 DIVISION X

36 DIRECT CARE PROFESSIONALS

37 Sec. 86. NEW SECTION. 152F.1 Definitions.

38 As used in this chapter, unless the context
39 otherwise requires:

- 40 1. "Board" means the board of direct care
41 professionals created under chapter 147.
- 42 2. "Community living professional" means a direct
43 care associate who has completed advanced training and
44 is certified to provide home and community living,
45 instrumental activities of daily living, and personal
46 support services.
- 47 3. "Direct care associate" means an individual who
48 has completed core training and is certified to provide
49 direct care services in the state.
- 50 4. "Direct care instructor" means an individual

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- 1 approved by the board to provide direct care
2 instruction to direct care professionals.
- 3 5. "Direct care professional" means an individual
4 who provides direct care services for compensation
5 and is a direct care associate, a community living
6 professional, a health support professional, or a
7 personal support professional.
- 8 6. "Direct care services" means the services
9 provided to individuals who are ill or individuals
10 with disabilities as specified in the individual's
11 service plan or in documented goals, including but
12 not limited to home and community living services,
13 instrumental activities of daily living services,
14 personal activities of daily living services, personal
15 support services, and health monitoring and maintenance
16 services.
- 17 7. "Direct care trainer" means a direct care
18 instructor who is approved by the board to train
19 instructors.
- 20 8. "Health monitoring and maintenance services"
21 means medically-oriented services that assist an
22 individual in maintaining the individual's health
23 including measuring intake and output; providing
24 catheter and ostomy care; collecting specimens;
25 checking vital signs, including temperature, pulse,
26 respiration, and blood pressure; measuring height and
27 weight; performing range of motion exercises; providing
28 assistance with urinary care; and application of
29 thrombo embolic deterrent hose or hot and cold packs.
- 30 9. "Health support professional" means a direct
31 care associate who has completed advanced training
32 and is certified to provide personal activities of
33 daily living and health monitoring and maintenance
34 services or a direct care associate who has met the
35 federal nurse aide requirements pursuant to 42 C.F.R. §
36 483.152.
- 37 10. "Home and community living services" means
38 services to enhance or maintain independence of
39 individuals including such activities as helping
40 individuals develop and meet personal goals, providing
41 direct physical and emotional support and assistance
42 for persons with disabilities, utilizing crisis
43 intervention and positive behavior supports, and using
44 and following individual support plans.
- 45 11. "Instrumental activities of daily living
46 services" means services provided to assist individuals
47 with daily living tasks to allow them to function
48 independently in a home or community setting, including
49 but not limited to assistance with managing money,
50 transportation, light housekeeping, and shopping and

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1 cooking.

2 12. "Personal activities of daily living services"
3 means services to assist individuals in meeting basic
4 needs, including but not limited to bathing, back rubs,
5 and skin care; grooming activities; assistance with
6 dressing and undressing; assistance with eating and
7 feeding; assistance with toileting; and assistance with
8 mobility, including transfers, walking, and turning in
9 bed.

10 13. "Personal support professional" means a direct
11 care associate who has completed advanced training and
12 is certified to provide instrumental activities of
13 daily living, personal activities of daily living, and
14 personal support services.

15 14. "Personal support services" means support
16 services provided to an individual as the individual
17 performs personal activities of daily living including
18 but not limited to coaching and prompting, and teaching
19 skills and behaviors.

20 15. "Service plan" means a written,
21 consumer-centered, outcome-based plan of services.

22 16. "Specialty endorsement" means an advanced level
23 of certification based on requirements developed by
24 experts in a particular discipline or professional area
25 and approved by the board.

26 Sec. 87. NEW SECTION. 152F.2 Certification
27 required — exceptions — use of title.

28 1. Unless otherwise exempt under section 152F.4,
29 beginning January 1, 2014, an individual shall not
30 provide direct care services in this state without
31 being certified as a direct care associate.

32 2. An individual who is not certified pursuant to
33 this chapter shall not use words or titles which imply
34 or represent that the individual is certified as a
35 direct care professional under this chapter.

36 3. A direct care associate shall not act as
37 or represent that the individual is a direct care
38 professional with advanced training certification
39 or a specialty endorsement, unless the direct care
40 associate is first certified at the appropriate level
41 of certification under this chapter.

42 4. Notwithstanding any provision to the contrary,
43 an individual who completes advanced training or
44 meets the requirements for a specialty endorsement
45 is not required to be certified at that level if
46 the individual does not act as or represent that the
47 individual is certified at that level. Section 147.83
48 does not apply to a direct care associate who is not
49 certified as a direct care professional with advanced
50 training certification or a specialty endorsement if

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1 the direct care associate does not act as or represent
2 that the individual is certified at that level.
3 Sec. 88. NEW SECTION. 152F.3 Requirements to
4 obtain certification — renewal — continuing education
5 — reciprocity.

6 1. An applicant for certification as a direct care
7 associate shall present evidence satisfactory to the
8 board that the applicant meets all of the following
9 requirements:

10 a. The applicant has successfully completed the
11 required education for the certification from a
12 board-approved direct care instructor or direct care
13 trainer.

14 b. The applicant has paid all fees required by the
15 board.

16 c. The applicant certifies that the applicant will
17 conduct all professional activities in accordance with
18 standards for professional conduct established by the
19 board.

20 2. An applicant for certification as a direct care
21 professional with advanced training or a specialty
22 endorsement shall present evidence satisfactory to the
23 board that the applicant meets all of the following
24 requirements:

25 a. The applicant has successfully completed the
26 required education for the certification from a
27 board-approved direct care instructor or direct care
28 trainer.

29 b. The applicant has paid all fees required by the
30 board.

31 c. The applicant has passed a state examination
32 approved by the board.

33 d. The applicant certifies that the applicant will
34 conduct all professional activities in accordance with
35 standards for professional conduct established by the
36 board.

37 3. An individual shall renew the individual's
38 certification biennially. Prior to such renewal, the
39 individual shall present evidence that the individual
40 has satisfied continuing education requirements and
41 shall pay a renewal fee as determined by the board.

42 4. The board shall issue the appropriate
43 certification to an applicant who demonstrates
44 experience in direct care services in another state and
45 meets the requirements established by the board for the
46 specific certification.

47 Sec. 89. NEW SECTION. 152F.4 Scope of chapter.

48 1. The provisions of this chapter do not apply to
49 any of the following:

50 a. An individual who is providing direct care

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1 services and is governed by a collective bargaining
2 agreement in place before July 1, 2017, until the
3 expiration of such agreement.

4 b. An individual providing direct care services to
5 a family member.

6 c. An individual otherwise licensed who is
7 operating within the scope of that license and who does
8 not represent to the public that the individual is a
9 direct care professional.

10 2. This chapter shall not be interpreted to
11 preclude an individual who provides direct care
12 services but is not otherwise required to be certified
13 under this chapter from being certified under this
14 chapter on a voluntary basis.

15 Sec. 90. NEW SECTION. 152F.5 Duties of the board.

16 The board shall do all of the following:

17 1. Adopt rules consistent with this chapter,
18 chapter 147, chapter 272, and the recommendations of
19 the direct care worker advisory council established
20 pursuant to 2008 Iowa Acts, chapter 1188, section 69,
21 which are necessary for the performance of its duties.

22 2. Adopt rules to provide a transition process
23 that allows individuals providing direct care services
24 on or before January 1, 2014, who are subject to
25 the certification requirements of this chapter,
26 to continue providing direct care services while
27 completing certification under this chapter. The rules
28 shall provide that certification requirements for an
29 individual subject to the transition process are based
30 on consideration of previous training, employment
31 history, and experience. An individual subject to the
32 transition process shall complete the requirements for
33 direct care associate certification within a time frame
34 determined by rule of the board.

35 3. Establish curriculum requirements for health
36 support professionals. The curriculum requirements
37 established shall not exceed the curriculum
38 requirements specified for nurse aides pursuant to
39 42 C.F.R. § 483.152, without prior approval of sixty
40 percent of the members of the board and prior approval
41 of the department of inspections and appeals.

42 4. Require an individual to undergo criminal
43 history and child and dependent adult abuse record
44 checks prior to certification, and establish record
45 checks requirements applicable to direct care
46 professionals consistent with section 135C.33.

47 5. Establish dependent adult abuse reporting and
48 training requirements consistent with chapters 235B and
49 235E, as applicable.

50 6. Establish standards and guidelines for

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- 1 certification reciprocity.
- 2 7. Establish standards and guidelines for direct
3 care professionals, including minimum curriculum
4 requirements.
- 5 8. Prepare and conduct, or prescribe, an
6 examination for applicants for certification.
- 7 9. Establish standards and guidelines for direct
8 care instructors and direct care trainers, including
9 minimum curriculum requirements and continuing
10 education requirements. Training and continuing
11 education guidelines shall provide diverse options for
12 completion of the training and continuing education,
13 as appropriate, including but not limited to online,
14 employer-based, or educational institution-based
15 opportunities.
- 16 10. Define educational activities which fulfill
17 continuing education requirements for renewal of
18 certification.
- 19 11. Establish guidelines for inactive certification
20 status and inactive certification reentry.
- 21 12. Establish a grace period during which a newly
22 employed individual may provide direct care services
23 before being required to complete the appropriate level
24 of certification under this chapter.
- 25 Sec. 91. NEW SECTION. 152F.6 Certification
26 suspension and revocation.
- 27 A certification issued by the board under this
28 chapter may be suspended or revoked, or renewal of
29 certification may be denied by the board, for violation
30 of any provision of this chapter, section 147.55 or
31 272C.10, or rules adopted by the board.
- 32 Sec. 92. Section 10A.402, subsection 1, Code 2011,
33 is amended to read as follows:
- 34 1. Investigations relative to the practice of
35 regulated professions and occupations, except those
36 within the jurisdiction of the board of medicine, the
37 board of pharmacy, the dental board, ~~and~~ the board of
38 nursing, ~~and the board of direct care professionals.~~
- 39 Sec. 93. Section 135.11A, Code 2011, is amended to
40 read as follows:
- 41 135.11A Professional licensure division — other
42 licensing boards — expenses — fees.
- 43 1. There shall be a professional licensure
44 division within the department of public health. Each
45 board under chapter 147 or under the administrative
46 authority of the department, except the board of
47 nursing, board of medicine, dental board, ~~and~~ board of
48 pharmacy, ~~and board of direct care professionals~~ shall
49 receive administrative and clerical support from the
50 division and may not employ its own support staff for

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1 administrative and clerical duties.
2 2. The professional licensure division and the
3 licensing boards may expend funds in addition to
4 amounts budgeted, if those additional expenditures are
5 directly the result of actual examination and exceed
6 funds budgeted for examinations. Before the division
7 or a licensing board expends or encumbers an amount
8 in excess of the funds budgeted for examinations, the
9 director of the department of management shall approve
10 the expenditure or encumbrance. Before approval is
11 given, the department of management shall determine
12 that the examination expenses exceed the funds budgeted
13 by the general assembly to the division or board
14 and the division or board does not have other funds
15 from which examination expenses can be paid. Upon
16 approval of the department of management, the division
17 or licensing board may expend and encumber funds for
18 excess examination expenses. The amounts necessary to
19 fund the excess examination expenses shall be collected
20 as fees from additional examination applicants and
21 shall be treated as repayment receipts as defined in
22 section 8.2.

23 Sec. 94. Section 135.31, Code 2011, is amended to
24 read as follows:

25 135.31 Location of boards — rulemaking.

26 The offices for the board of medicine, the board
27 of pharmacy, the board of nursing, ~~and~~ the dental
28 board, and the board of direct care professionals shall
29 be located within the department of public health.
30 The individual boards shall have policymaking and
31 rulemaking authority.

32 Sec. 95. Section 147.1, subsections 3 and 6, Code
33 2011, are amended to read as follows:

34 3. “Licensed” or “certified”, when applied
35 to a physician and surgeon, podiatric physician,
36 osteopathic physician and surgeon, physician assistant,
37 psychologist, chiropractor, nurse, dentist, dental
38 hygienist, dental assistant, optometrist, speech
39 pathologist, audiologist, pharmacist, physical
40 therapist, physical therapist assistant, occupational
41 therapist, occupational therapy assistant, respiratory
42 care practitioner, practitioner of cosmetology arts and
43 sciences, practitioner of barbering, funeral director,
44 dietitian, marital and family therapist, mental health
45 counselor, social worker, massage therapist, athletic
46 trainer, acupuncturist, nursing home administrator,
47 hearing aid dispenser, ~~or~~ sign language interpreter or
48 transliterator, or direct care professional means a
49 person licensed under this subtitle.

50 6. “Profession” means medicine and surgery,

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1 podiatry, osteopathic medicine and surgery, practice
2 as a physician assistant, psychology, chiropractic,
3 nursing, dentistry, dental hygiene, dental assisting,
4 optometry, speech pathology, audiology, pharmacy,
5 physical therapy, physical therapist assisting,
6 occupational therapy, occupational therapy assisting,
7 respiratory care, cosmetology arts and sciences,
8 barbering, mortuary science, marital and family
9 therapy, mental health counseling, social work,
10 dietetics, massage therapy, athletic training,
11 acupuncture, nursing home administration, hearing
12 aid dispensing, ~~or~~ sign language interpreting
13 or transliterating, or practice as a direct care
14 professional.

15 Sec. 96. Section 147.2, subsection 1, Code 2011, is
16 amended to read as follows:

17 1. A person shall not engage in the practice of
18 medicine and surgery, podiatry, osteopathic medicine
19 and surgery, psychology, chiropractic, physical
20 therapy, physical therapist assisting, nursing,
21 dentistry, dental hygiene, dental assisting, optometry,
22 speech pathology, audiology, occupational therapy,
23 occupational therapy assisting, respiratory care,
24 pharmacy, cosmetology arts and sciences, barbering,
25 social work, dietetics, marital and family therapy or
26 mental health counseling, massage therapy, mortuary
27 science, athletic training, acupuncture, nursing
28 home administration, hearing aid dispensing, or sign
29 language interpreting or transliterating, or shall not
30 practice as a physician assistant or as a direct care
31 professional, unless the person has obtained a license
32 for that purpose from the board for the profession.

33 Sec. 97. Section 147.13, Code 2011, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 24. For direct care professionals,
36 the board of direct care professionals.

37 Sec. 98. Section 147.14, subsection 1, Code 2011,
38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. x. For the board of direct care
40 professionals, a total of eleven members, six of whom
41 are direct care professionals who represent diverse
42 settings and populations served, two members of the
43 public, one registered nurse who serves as a direct
44 care instructor, one human services professional who
45 serves as a direct care instructor, and one licensed
46 nursing home administrator.

47 Sec. 99. Section 147.74, Code 2011, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 24. A direct care professional
50 certified under chapter 152F and this chapter may use

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- 1 the following:
- 2 a. A direct care professional certified as a
3 direct care associate may use the title “direct care
4 associate” or the letters “D.C.A.” after the person’s
5 name.
- 6 b. A direct care professional certified as a
7 community living professional may use the title
8 “community living professional” or the letters “C.L.P.”
9 after the person’s name.
- 10 c. A direct care professional certified as a
11 personal support professional may use the title
12 “personal support professional” or the letters “P.S.P.”
13 after the person’s name.
- 14 d. A direct care professional certified as a
15 health support professional may use the title “health
16 support professional” or the letters “H.S.P.” after the
17 person’s name.
- 18 e. A direct care professional certified with a
19 specialty endorsement may use the title or letters
20 determined by the specialty endorsement entity and
21 approved by the board of direct care professionals.
- 22 f. A direct care professional who complies with
23 federal nurse aide requirements pursuant to 42 C.F.R. §
24 483.152 may use the title “certified nursing assistant”
25 or the letters “C.N.A.” after the person’s name.
- 26 Sec. 100. Section 147.80, subsection 3, Code 2011,
27 is amended to read as follows:
- 28 3. The board of medicine, the board of pharmacy,
29 the dental board, ~~and~~ the board of nursing, and
30 the board of direct care professionals shall retain
31 individual executive officers, but shall make
32 every effort to share administrative, clerical, and
33 investigative staff to the greatest extent possible.
- 34 Sec. 101. Section 147.88, Code 2011, is amended to
35 read as follows:
- 36 147.88 Inspections and investigations.
37 The department of inspections and appeals may
38 perform inspections and investigations as required by
39 this subtitle, except inspections and investigations
40 for the board of medicine, board of pharmacy, board of
41 nursing, ~~and~~ the dental board, and the board of direct
42 care professionals. The department of inspections
43 and appeals shall employ personnel related to the
44 inspection and investigative functions.
- 45 Sec. 102. Section 272C.1, subsection 6, Code 2011,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. ag. The board of direct care
48 professionals, created pursuant to chapter 147.
- 49 Sec. 103. TRANSITION PROVISIONS.
- 50 1. An individual providing direct care services

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1 on or before January 1, 2014, who is subject to the
2 certification requirements of this division of this
3 Act, may continue providing direct care services
4 while completing certification as required under
5 this division of this Act. The board of direct
6 care professionals shall adopt rules to provide that
7 certification requirements for an individual subject to
8 the transition process are based on consideration of
9 previous training, employment history, and experience,
10 and require such individuals to complete the
11 requirements for direct care associate certification
12 within the time frame determined by rule of the board.

13 2. An individual who is registered on or before
14 January 1, 2014, on the Iowa direct care worker
15 registry established by the department of inspections
16 and appeals, is deemed to meet the certification
17 requirements for a health support professional under
18 this division of this Act.

19 3. Notwithstanding sections 147.14 and 147.16,
20 for the initial board of direct care professionals,
21 the governor may appoint, subject to confirmation by
22 the senate, in lieu of the six members required to be
23 direct care professionals and the two members required
24 to be direct care instructors, members with experience
25 and expertise that is substantially equivalent to
26 the professional requirements for a direct care
27 professional or direct care instructor, as applicable.

28 Sec. 104. IMPLEMENTATION. The provisions of this
29 division of this Act shall be implemented as follows:

30 1. The sections of this division of this Act
31 relating to the board of direct care professionals
32 including sections 152F.1 and 152F.5, as enacted in
33 this division of this Act; sections 10A.402, 135.11A,
34 135.31, 147.13, 147.14, 147.80, 147.88, and 272C.1, as
35 amended in this division of this Act, and as specified
36 in the transition provisions; and the section of this
37 division of this Act providing transition provisions
38 relating to the board shall be implemented so that a
39 board of direct care professionals is appointed no
40 later than December 15, 2012.

41 2. The sections of this division of this Act
42 relating to requirements for certification of direct
43 care professionals including sections 152F.2, 152F.3,
44 152F.4, and 152F.6, as enacted in this division of this
45 Act; and sections 147.1, 147.2, and 147.74, as amended
46 in this division of this Act, shall be implemented so
47 that the requirements are applicable beginning no later
48 than January 1, 2014.

49 Sec. 105. FUNDING PROVISIONS.

50 1. The department of public health shall limit the

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1 indirect service charge for the board of direct care
2 professionals to not more than fifteen percent.

3 2. It is the intent of the general assembly
4 that the board of direct care professionals be
5 self-sustaining by January 1, 2017.

6 Sec. 106. EFFECTIVE UPON ENACTMENT. This division
7 of this Act, being deemed of immediate importance,
8 takes effect upon enactment.

9 DIVISION XI

10 DISTRIBUTION OF FAMILY PLANNING FUNDS

11 Sec. 107. DISTRIBUTION OF FAMILY PLANNING FUNDS.

12 1. As used in this section, unless the context
13 otherwise requires:

14 a. "Department" means department as defined in
15 section 7E.4.

16 b. "Federally qualified health center" means a
17 health care provider that is eligible for federal
18 funding under 42 U.S.C. § 1396d(1)(2)(B).

19 2. Notwithstanding any other law to the contrary,
20 any expenditure, award, or other distribution of state
21 or federal family planning funds shall be made to
22 eligible applicants in the following order of priority:

23 a. Public entities that provide family planning
24 services including state, county, or local community
25 health clinics and federally qualified health centers.

26 b. Nonpublic entities that, in addition to family
27 planning services, provide required primary health
28 services as described in 42 U.S.C. § 254b(b)(1)(A).

29 c. Nonpublic entities that provide family planning
30 services but do not provide required primary health
31 services as described in 42 U.S.C. § 254b(b)(1)(A).

32 3. A department shall ensure distribution of
33 federal family planning funds in a manner that does not
34 severely limit or eliminate access to family planning
35 services in any region of the state.

36 4. A department shall not distribute state or
37 federal family planning funds under this section to
38 any entity that performs abortions or that maintains
39 or operates a facility where abortions are performed.
40 For the purposes of this section, "abortion" does not
41 include any of the following:

42 a. The treatment of a woman for a physical
43 disorder, physical injury, or physical illness,
44 including a life-endangering physical condition caused
45 by or arising from the pregnancy itself, that would,
46 as certified by a physician, place the woman in danger
47 of death.

48 b. The treatment of a woman for a spontaneous
49 abortion, commonly known as a miscarriage, when not all
50 of the products of conception are expelled.

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1 5. State or federal family planning funds
2 distributed in accordance with this section shall not
3 be used for direct or indirect costs, including but not
4 limited to administrative costs or expenses, overhead,
5 employee salaries, rent, and telephone and other
6 utilities, related to providing abortions as specified
7 in subsection 4.
8 6. Any department that distributes state or federal
9 family planning funds shall submit a report to the
10 governor and the general assembly, annually by December
11 31, listing any entities receiving family planning
12 funds as described in subsection 2, paragraph "c", and
13 the amount and type of funds received by such entities
14 during the preceding calendar year. The report shall
15 provide a detailed explanation of how the department
16 determined that distribution of family planning funds
17 to such an entity, instead of to an entity described
18 in subsection 2 paragraph "a" or "b", was necessary to
19 prevent severe limitation or elimination of access to
20 family planning services in the region of the state in
21 which the entity is located.>

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BILL DIX

S-5228HOUSE AMENDMENT TO
SENATE FILE 2332

- 1 Amend Senate File 2332, as passed by the Senate, as
2 follows:
- 3 1. Page 6, line 11, before <Notwithstanding> by
4 inserting <1.>
- 5 2. Page 6, after line 29 by inserting:
6 <2. Notwithstanding subsection 1, a temporary
7 moratorium shall be applicable to a new surcharge
8 authorized pursuant to this section until one hundred
9 and fifty days after submission of recommendations by
10 the E911 task force established by this Act to the
11 general assembly.>
- 12 3. Page 11, line 15, by striking <located inside>
13 and inserting <~~located inside~~ utilized by>
- 14 4. By renumbering as necessary.

S-5229HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2422

- 1 Amend the Senate amendment, H-8486 to House File
2 2422, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. By striking page 1, line 3, through page 3, line
5 12, and inserting:
6 <___. By striking everything after the enacting
7 clause and inserting:
8 <Section 1. Section 135C.3, subsection 1, Code
9 2011, is amended to read as follows:
10 1. a. A licensed nursing facility shall provide
11 an organized twenty-four-hour program of services
12 commensurate with the needs of its residents and
13 under the immediate direction of a licensed nurse.
14 Medical and nursing services must be provided
15 under the direction of either a house physician
16 or an individually selected physician. Surgery or
17 obstetrical care shall not be provided within the
18 facility. An admission to the nursing facility must
19 be based on a physician's written order certifying
20 that the individual being admitted requires no greater
21 degree of nursing care than the facility to which the
22 admission is made is licensed to provide and is capable
23 of providing.
24 b. A nursing facility is not required to admit
25 an individual through court order, referral, or
26 other means without the express prior approval of the

27 administrator of the nursing facility. For purposes of
 28 this paragraph, the approval of the administrator of
 29 the nursing facility cannot be withheld on the basis of
 30 considerations that are otherwise prohibited by state
 31 or federal law.

32 Sec. 2. Section 135C.4, Code 2011, is amended to
 33 read as follows:

34 135C.4 Residential care facilities.

35 1. Each facility licensed as a residential care
 36 facility shall provide an organized continuous
 37 twenty-four-hour program of care commensurate with
 38 the needs of the residents of the home and under
 39 the immediate direction of a person approved and
 40 certified by the department whose combined training and
 41 supervised experience is such as to ensure adequate and
 42 competent care.

43 2. All admissions to residential care facilities
 44 shall be based on an order written by a physician
 45 certifying that the individual being admitted does
 46 not require nursing services or that the individual's
 47 need for nursing services can be avoided if home and
 48 community-based services, other than nursing care, as
 49 defined by this chapter and departmental rule, are
 50 provided.

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1 3. For the purposes of this section, the home
 2 and community-based services to be provided shall
 3 be limited to the type included under the medical
 4 assistance program provided pursuant to chapter 249A,
 5 shall be subject to cost limitations established by
 6 the department of human services under the medical
 7 assistance program, and except as otherwise provided
 8 by the department of inspections and appeals with
 9 the concurrence of the department of human services,
 10 shall be limited in capacity to the number of licensed
 11 residential care facilities and the number of licensed
 12 residential care facility beds in the state as of
 13 December 1, 2003.

14 4. A residential care facility is not required
 15 to admit an individual through court order, referral,
 16 or other means without the express prior approval of
 17 the administrator of the residential care facility.
 18 For purposes of this subsection, the approval of the
 19 administrator of the residential care facility cannot
 20 be withheld on the basis of considerations that are
 21 otherwise prohibited by state or federal law.

22 Sec. 3. **NEW SECTION.** 135C.23A Sex offender
 23 notification.

24 1. Upon commitment of a person required to register
 25 as a sex offender as provided in section 692A.103 to

26 a nursing facility, residential care facility, or
27 assisted living program as defined in section 231C.2,
28 the clerk of the committing court shall notify the
29 department of inspections and appeals and the admitting
30 facility or program.

31 2. Prior to admission of a resident or tenant to
32 a nursing facility, residential care facility, or
33 assisted living program, the facility or program shall
34 access and search the sex offender registry established
35 in chapter 692A to determine whether the resident
36 or tenant is a person required to register as a sex
37 offender, as provided in section 692A.103.

38 3. Upon the admission of a person required to
39 register as a sex offender, a nursing facility,
40 residential care facility, or assisted living program
41 shall provide notice of the admission, in accordance
42 with the federal Health Insurance Portability and
43 Accountability Act of 1996, Pub. L. No. 104-191, other
44 state and federal regulations, and rules adopted by the
45 department, to all of the following persons:

- 46 a. Residents or tenants of the facility or program.
- 47 b. The emergency contact person or next of kin for
48 residents or tenants of the facility or program.
- 49 c. Operators, owners, managers, or employees of the
50 facility or program.

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- 1 d. Visitors to the facility or program.
- 2 e. The sheriff for the county in which the facility
3 or program is located. The sheriff shall notify local
4 law enforcement agencies.
- 5 4. Upon the admission of a person required to
6 register as a sex offender, a nursing facility,
7 residential care facility, or assisted living program
8 shall develop and implement a written safety plan for
9 each such person in accordance with rules adopted by
10 the department.
- 11 5. The department shall establish by rule, all of
12 the following:
 - 13 a. The requirements of the notice required under
14 this section. The rules shall include but are not
15 limited to provisions for the method of notice and
16 time of notice to each of the persons enumerated in
17 subsection 3.
 - 18 b. The requirements of a safety plan for persons
19 required to register as a sex offender who are admitted
20 by a nursing facility, residential care facility, or
21 assisted living program. The rules shall include but
22 are not limited to all of the following:
 - 23 (1) A plan for the safety of residents, tenants,
24 and staff of the facility or program.

25 (2) A plan for the safety of others when community
 26 functions are held at a facility or program and when a
 27 person required to register as a sex offender is not on
 28 the premises of a facility or program but the person
 29 remains within the care, custody, and control of the
 30 facility or program.

31 (3) A provision to establish the responsibilities
 32 of a nursing facility, residential care facility, and
 33 assisted living program and the operators, owners,
 34 managers, and employees of facilities and programs in
 35 implementing a safety plan.

36 (4) A provision for the timely development and
 37 implementation of a safety plan.

38 6. The department shall work with interested
 39 stakeholders in developing the proposed rules under
 40 this section.

41 7. A violation of this section is subject to the
 42 imposition of a civil penalty in accordance with rules
 43 adopted by the department pursuant to this section.

44 Sec. 4. Section 229A.8A, subsection 5, Code 2011,
 45 is amended to read as follows:

46 5. ~~Committed~~ Except as provided in subsection 6A,
 47 committed persons in the transitional release program
 48 are not necessarily required to be segregated from
 49 other persons.

50 Sec. 5. Section 229A.8A, Code 2011, is amended by

Page 4

1 adding the following new subsection:

2 NEW SUBSECTION. 6A. Persons in the transitional
 3 release program shall not be released to a health care
 4 facility as defined in section 135C.1.

5 Sec. 6. Section 229A.9A, Code 2011, is amended by
 6 adding the following new subsection:

7 NEW SUBSECTION. 3A. If a release with or without
 8 supervision is ordered, the committed person shall not
 9 be released to a health care facility as defined in
 10 section 135C.1.

11 Sec. 7. Section 231C.3, subsection 9, Code 2011, is
 12 amended to read as follows:

13 9. An assisted living program shall comply with
 14 ~~section sections 135C.23A and~~ 135C.33.

15 Sec. 8. Section 231C.5A, Code 2011, is amended to
 16 read as follows:

17 231C.5A Assessment of tenants — program
 18 eligibility.

19 1. An assisted living program receiving
 20 reimbursement through the medical assistance program
 21 under chapter 249A shall assist the department of
 22 veterans affairs in identifying, upon admission of a
 23 tenant, the tenant's eligibility for benefits through

24 the United States department of veterans affairs.
25 The assisted living program shall also assist the
26 commission of veterans affairs in determining such
27 eligibility for tenants residing in the program on July
28 1, 2009. The department of inspections and appeals,
29 in cooperation with the department of human services,
30 shall adopt rules to administer this section, including
31 a provision that ensures that if a tenant is eligible
32 for benefits through the United States department of
33 veterans affairs or other third-party payor, the payor
34 of last resort for reimbursement to the assisted living
35 program is the medical assistance program. The rules
36 shall also require the assisted living program to
37 request information from a tenant or tenant's personal
38 representative regarding the tenant's veteran status
39 and to report to the department of veterans affairs
40 only the names of tenants identified as potential
41 veterans along with the names of their spouses and
42 any dependents. Information reported by the assisted
43 living program shall be verified by the department of
44 veterans affairs.

45 2. An assisted living program is not required
46 to enter into a lease or occupancy agreement with an
47 individual through court order, referral, or other
48 means without the express prior approval of the manager
49 of the assisted living program. For purposes of this
50 subsection, the approval of the manager of the assisted

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1 living program cannot be withheld on the basis of
2 considerations that are otherwise prohibited by state
3 or federal law.

4 Sec. 9. Section 231C.14, subsection 1, Code 2011,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. d. Noncompliance with section
7 135C.23A.

8 Sec. 10. Section 602.8102, Code 2011, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 152. Notify the department of
11 inspections and appeals and the admitting entity upon
12 commitment of a person required to register as a sex
13 offender as provided in section 692A.103 to a nursing
14 facility or residential care facility as defined in
15 section 135C.1, or assisted living program as defined
16 in section 231C.2.

17 Sec. 11. PLACEMENT OF PERSONS REQUIRED TO
18 REGISTER.

19 1. For purposes of this section, "adequate
20 placement" means a placement that will provide the
21 level of care necessary for a person including the
22 level of care provided by a nursing facility or

23 residential care facility.

24 2. For the period beginning July 1, 2012, through
25 June 30, 2013, the department of human services, in
26 compliance with federal and state law, shall secure
27 adequate placements for persons required to register
28 as a sex offender pursuant to chapter 692A who are
29 being released from the custody of the department
30 of corrections and require the type of medical
31 and personal care provided by a nursing facility,
32 residential care facility, or assisted living program;
33 who are being discharged or transferred from nursing
34 facilities, residential care facilities, or assisted
35 living programs pursuant to a provision of this Act;
36 or who require the type of medical and personal care
37 provided by nursing facilities, residential care
38 facilities, or assisted living programs when the
39 persons are unable to gain access to a facility or
40 program because the persons are required to register on
41 the sex offender registry.

42 3. The department of human services may use a
43 state facility to provide care for such persons or may
44 conduct a request for proposal process to contract with
45 a private facility to care for such persons. A request
46 for proposals shall identify the reimbursement rate
47 and the necessary training for staff in the facility
48 or program.

49 4. The department of human services shall secure
50 an adequate placement for such a person within ten

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1 business days of being notified by the department of
2 corrections, the department of inspections and appeals,
3 or a nursing facility, residential care facility,
4 or assisted living program that placement is needed
5 for such person, provided that such period shall not
6 commence until the department of public safety receives
7 and approves registration data and makes such data
8 available on the sex offender registry internet site
9 pursuant to section 692A.121, subsection 12.

10 **Sec. 12. WORKFORCE DEVELOPMENT WORKGROUP.**

11 1. If a workgroup to address issues connected with
12 workforce development related to mental health and
13 disability services is established by or as a result
14 of legislation enacted by the 2012 regular session of
15 the Eighty-fourth General Assembly, the workgroup shall
16 also address issues connected with ensuring that an
17 adequate workforce is available in the state to provide
18 services to persons who have a history of committing
19 sexual offenses and have been determined to be likely
20 to reoffend.

21 2. a. If a workgroup to address issues connected

22 with workforce development for mental health and
23 disability services is not established by or as a
24 result of legislation enacted by the 2012 regular
25 session of the Eighty-fourth General Assembly, the
26 department of human services shall convene and provide
27 support to a health and mental health services for
28 sexual offender workforce development workgroup to
29 address issues connected with ensuring that an adequate
30 workforce is available in the state to provide health
31 and mental health services to persons who have a
32 history of committing sexual offenses and have been
33 determined to be likely to reoffend. The workgroup
34 shall report at least annually to the governor and
35 general assembly providing findings, recommendations,
36 and financing information concerning the findings and
37 recommendations.

38 b. The membership of the workgroup shall include
39 all of the following:

40 (1) The director of the department of aging or the
41 director's designee.

42 (2) The director of the department of corrections
43 or the director's designee.

44 (3) The director of the department of education or
45 the director's designee.

46 (4) The director of human services or the
47 director's designee.

48 (5) The director of the department of public health
49 or the director's designee.

50 (6) The director of the department of workforce

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1 development or the director's designee.

2 (7) At least three individuals who have a history
3 of committing sexual offenses and have been determined
4 likely to reoffend who are receiving mental health
5 or health services or involved relatives of such
6 individuals.

7 (8) At least three providers of mental health or
8 health services for individuals who have a history of
9 committing sexual offenses and have been determined
10 likely to reoffend.

11 (9) Other persons identified by the workgroup.

12 c. In addition to the members identified in
13 paragraph "b", the membership of the workgroup
14 shall include four members of the general assembly
15 serving in a ex officio, nonvoting capacity. One
16 member shall be designated by each of the following:
17 the majority leader of the senate, the minority
18 leader of the senate, the speaker of the house of
19 representatives, and the minority leader of the house
20 of representatives. A legislative member serves for a

21 term as provided in section 69.16B.

22 d. Except as provided in paragraph "c" for
 23 legislative appointments, the workgroup shall determine
 24 its own rules of procedure, membership terms, and
 25 operating provisions.

26 Sec. 13. FACILITY FOR SEXUAL OFFENDERS COMMITTEE
 27 AND REPORT.

28 1. The department of inspections and appeals, in
 29 conjunction with the department of human services,
 30 shall establish and facilitate the activities of
 31 a committee of stakeholders to examine options for
 32 designating a facility to provide care for persons in
 33 this state who have a history of committing sexual
 34 offenses and have been determined to be likely to
 35 reoffend.

36 2. The membership of the committee shall include
 37 but is not limited to the following:

38 a. Representatives of the departments of
 39 inspections and appeals, human services, public health,
 40 corrections, and aging, the office of the state public
 41 defender, the office of the citizens' aide, the office
 42 of the state long-term care ombudsman, and the judicial
 43 branch.

44 b. Consumers of services provided by health care
 45 facilities and family members of consumers.

46 c. Representatives of the health care industry and
 47 industry associations.

48 d. Direct care workers employed by health care
 49 facilities.

50 e. Representatives from the Iowa legal aid.

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1 f. Representatives from AARP Iowa.

2 g. Representatives from the Iowa civil liberties
 3 union.

4 h. Other stakeholders as the department of
 5 inspections and appeals and the department of human
 6 services deem necessary.

7 i. Four ex officio, nonvoting members from the
 8 general assembly with not more than one member from
 9 each chamber being from the same political party.
 10 The two senators shall be appointed, one each, by
 11 the majority leader of the senate and the minority
 12 leader of the senate. The two representatives shall
 13 be appointed, one each, by the speaker of the house of
 14 representatives and the minority leader of the house
 15 of representatives.

16 3. The committee shall discuss and make
 17 recommendations on all of the following:

18 a. Options to create a new facility or assist
 19 an existing facility to expand services to provide

20 care for elderly persons who are no longer under
21 judicial control, but have a history of committing
22 sexual offenses and have been determined to be
23 likely to reoffend. The committee shall identify
24 the characteristics of a client for such a facility,
25 the need for such a facility, options for creating
26 a new facility to house such persons, options for
27 the expansion of an existing facility to house such
28 persons, options for using any alternative facilities
29 for such purposes, options for a public-private
30 partnership for such a facility, options for
31 using part of a mental health institute to house
32 such persons, options to qualify a facility for
33 Medicaid reimbursement, cost projections for any
34 recommendations, regulatory challenges, and other
35 information deemed relevant by the department of
36 inspections and appeals and the department of human
37 services.

38 b. The responsibility of the court, the clerk of
39 the district court, the department of corrections,
40 or any other entity, department, or person to inform
41 a nursing facility, residential care facility, or an
42 assisted living program of the admission of a person
43 who has a history of committing sexual offenses.

44 c. The responsibility of the court, clerk of the
45 district court, department of corrections, a facility,
46 or any other entity, department, or person to notify
47 persons of the discharge of a person who has a history
48 of committing sexual offenses from a nursing facility,
49 residential care facility, or assisted living program.

50 d. The requirements of a treatment safety plan for

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1 a person admitted to a nursing facility, residential
2 care facility, or assisted living program who has a
3 history of committing sexual offenses. The treatment
4 safety plan shall address the procedure for notifying
5 other residents of the residency of a person required
6 to register as a sex offender.

7 e. The establishment of a formal process for
8 the department of inspections and appeals to follow
9 when completing facility or assisted living program
10 inspections or surveys.

11 f. The establishment of a system for the judicial
12 branch to identify facilities with the capacity to
13 provide an appropriate placement for a person requiring
14 commitment when the person also has a history of
15 committing sexual offenses.

16 4. The committee shall provide a report detailing
17 its findings and recommendations to the governor and
18 the general assembly by December 14, 2012.

19 Sec. 14. EMERGENCY RULES. If specifically
20 authorized by a provision of this Act, the department
21 of inspections and appeals may adopt administrative
22 rules under section 17A.4, subsection 3, and section
23 17A.5, subsection 2, paragraph "b", to implement
24 the provisions and the rules shall become effective
25 immediately upon filing or on a later effective date
26 specified in the rules, unless the effective date is
27 delayed by the administrative rules review committee.
28 Any rules adopted in accordance with this section
29 shall not take effect before the rules are reviewed
30 by the administrative rules review committee. The
31 delay authority provided to the administrative rules
32 review committee under section 17A.4, subsection 7, and
33 section 17A.8, subsection 9, shall be applicable to a
34 delay imposed under this section, notwithstanding a
35 provision in those sections making them inapplicable
36 to section 17A.5, subsection 2, paragraph "b". Any
37 rules adopted in accordance with the provisions of this
38 section shall also be published as a notice of intended
39 action as provided in section 17A.4.

40 Sec. 15. CURRENT RESIDENTS AND TENANTS —
41 ACCESS AND SEARCH OF SEX OFFENDER REGISTRY AND
42 NOTIFICATION. A nursing facility, residential care
43 facility, or assisted living program, within three
44 months of the adoption of the rules by the department
45 of inspections and appeals regarding notification of
46 the admission of persons required to register as a
47 sex offender to a facility or program and development
48 and implementation of safety plans relating to such
49 admitted persons, shall access and search the sex
50 offender registry established in chapter 692A for

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1 persons who were residents or tenants of a facility
2 or program prior to the adoption of the rules and who
3 remain residents or tenants of the facility or program
4 after the adoption of the rules. Upon determining that
5 a resident or tenant is a person required to register
6 as a sex offender, the facility or program shall,
7 within three months of the adoption of the rules,
8 work with the department of inspections and appeals
9 and the department of human services to transfer a
10 sex offender living in the facility or program to a
11 state facility, based on the sex offender status as
12 an endangerment to the safety of individuals in the
13 facility or program, or notify persons as required by
14 section 135C.23A and the rules adopted pursuant to
15 that section and develop and implement a safety plan
16 as required by section 135C.23A and the rules adopted
17 pursuant to that section. The rules shall provide

18 that, for purposes of this section, a nursing facility,
19 residential care facility, or assisted living program
20 has the right to discharge a current resident or tenant
21 based solely on the person's status as a sex offender
22 as an endangerment to the safety of individuals in the
23 facility or program.

24 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being
25 deemed of immediate importance, takes effect upon
26 enactment.>

27 _____. Title page, line 3, after <program,> by
28 inserting <the care and housing of sex offenders and
29 sexually violent predators,>>

S-5230

1 Amend the amendment, S-5220, to House File 2460,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, after line 4 by inserting:

5 <Sec. _____. Section 2.48, subsection 3, paragraph
6 b, subparagraph (2), Code 2011, is amended by striking
7 the subparagraph.

8 Sec. _____. Section 2.48, subsection 3, paragraph
9 c, Code 2011, is amended by adding the following new
10 subparagraph:

11 NEW SUBPARAGRAPH. (6) Property tax revenue
12 divisions for urban renewal areas under section
13 403.19.>

14 2. Page 4, by striking line 10 and inserting:

15 <(20) When required as part of an urban renewal
16 development or redevelopment agreement that includes
17 the use of incremental taxes collected pursuant to
18 section 403.19, subsection 2, the total number of jobs
19 to be created, the wages associated with those jobs,
20 the total private capital investment, and the total
21 cost of the public infrastructure constructed.

22 (21) All other additional information or>

23 3. Page 10, by striking line 35 and inserting:

24 <(20) When required as part of an urban renewal
25 development or redevelopment agreement that includes
26 the use of incremental taxes collected pursuant to
27 section 403.19, subsection 2, the total number of jobs
28 to be created, the wages associated with those jobs,
29 the total private capital investment, and the total
30 cost of the public infrastructure constructed.

31 (21) All other additional information or>

32 4. Page 13, by striking lines 14 through 29.

33 5. By renumbering as necessary.

S-5231

1 Amend the amendment, S-5220, to House File 2460,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 3 and 4 and inserting:
 5 <__. By striking everything after the enacting
 6 clause and inserting:
 7 <Sec. __. Section 2.48, subsection 3, paragraph
 8 b, subparagraph (2), Code 2011, is amended by striking
 9 the subparagraph.
 10 Sec. __. Section 2.48, subsection 3, paragraph
 11 c, Code 2011, is amended by adding the following new
 12 subparagraph:
 13 NEW SUBPARAGRAPH. (6) Property tax revenue
 14 divisions for urban renewal areas under section
 15 403.19.>
 16 2. Page 4, by striking line 10 and inserting:
 17 <(20) When required as part of an urban renewal
 18 development or redevelopment agreement that includes
 19 the use of incremental taxes collected pursuant to
 20 section 403.19, subsection 2, the total number of jobs
 21 to be created, the wages associated with those jobs,
 22 the total private capital investment, and the total
 23 cost of the public infrastructure constructed.
 24 (21) All other additional information or>
 25 3. Page 10, by striking line 35 and inserting:
 26 <(20) When required as part of an urban renewal
 27 development or redevelopment agreement that includes
 28 the use of incremental taxes collected pursuant to
 29 section 403.19, subsection 2, the total number of jobs
 30 to be created, the wages associated with those jobs,
 31 the total private capital investment, and the total
 32 cost of the public infrastructure constructed.
 33 (21) All other additional information or>
 34 4. Page 13, by striking lines 14 through 29.
 35 5. By renumbering as necessary.

MERLIN BARTZ

S-5232

1 Amend the amendment, S-5220, to House File 2460,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 12, line 49, after <"b."> by inserting
 5 <However, the review and recommendation process
 6 conducted by the municipality's planning commission
 7 under subsection 2, paragraph "a", shall not be
 8 required when amending or modifying an adopted urban
 9 renewal plan.>

WILLIAM A DOTZLER, JR.

S-5233

1 Amend the amendment, S-5220, to House File 2460,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 13, before line 30 by inserting:
5 <Sec. ____ Section 403.19, subsection 2, Code
6 Supplement 2011, as amended by 2012 Iowa Acts, Senate
7 File 2137, section 6, is amended to read as follows:
8 2. a. That portion of the taxes each year in
9 excess of such amount shall be allocated to and
10 when collected be paid into a special fund of the
11 municipality to pay the principal of and interest on
12 loans, moneys advanced to, or indebtedness, whether
13 funded, refunded, assumed, or otherwise, including
14 bonds issued under the authority of section 403.9,
15 subsection 1, incurred by the municipality to finance
16 or refinance, in whole or in part, an urban renewal
17 project within the area, and to provide assistance for
18 low and moderate income family housing as provided
19 in section 403.22. However, except as provided in
20 paragraph "b", taxes for the regular and voter-approved
21 physical plant and equipment levy of a school district
22 imposed pursuant to section 298.2 and taxes for the
23 instructional support program of a school district
24 imposed pursuant to section 257.19, taxes for the
25 payment of bonds and interest of each taxing district,
26 and taxes imposed under section 346.27, subsection
27 22, related to joint county-city buildings shall be
28 collected against all taxable property within the
29 taxing district without limitation by the provisions
30 of this subsection.
31 b. (1) ~~However, all~~ All or a portion of the taxes
32 for the physical plant and equipment levy shall be
33 paid by the school district to the municipality if
34 the auditor certifies to the school district by July
35 1 the amount of such levy that is necessary to pay
36 the principal and interest on bonds issued by the
37 municipality to finance an urban renewal project, which
38 bonds were issued before July 1, 2001. Indebtedness
39 incurred to refund bonds issued prior to July 1, 2001,
40 shall not be included in the certification. Such
41 school district shall pay over the amount certified
42 by November 1 and May 1 of the fiscal year following
43 certification to the school district.
44 (2) (a) All or a portion of the taxes for the
45 instructional support program levy of a school
46 district shall be paid by the school district to the
47 municipality if the auditor, pursuant to subsection 11,
48 certifies to the school district by July 1 the amount
49 of such levy that is necessary to pay the principal and
50 interest on bonds issued or other indebtedness incurred

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1 by the municipality to finance an urban renewal project
2 if such bonds or indebtedness were issued or incurred
3 on or before April 24, 2012. Such school district
4 shall pay over the amount certified by November 1 and
5 May 1 of the fiscal year following certification to the
6 school district.

7 (b) In lieu of payment to a municipality under
8 subparagraph division (a), a school district may by
9 resolution of the board of directors of the school
10 district approve at a regular meeting of the board
11 of directors the payment of all or a portion of the
12 instructional support program property tax revenue
13 excluded under paragraph "a", to the municipality for
14 the payment of principal and interest on such bonds
15 issued or such other indebtedness incurred by the
16 municipality before, on, or after April 24, 2012.

17 c. Unless and until the total assessed valuation of
18 the taxable property in an urban renewal area exceeds
19 the total assessed value of the taxable property in
20 such area as shown by the last equalized assessment
21 roll referred to in subsection 1, all of the taxes
22 levied and collected upon the taxable property in
23 the urban renewal area shall be paid into the funds
24 for the respective taxing districts as taxes by or
25 for the taxing districts in the same manner as all
26 other property taxes. When such loans, advances,
27 indebtedness, and bonds, if any, and interest thereon,
28 have been paid, all moneys thereafter received from
29 taxes upon the taxable property in such urban renewal
30 area shall be paid into the funds for the respective
31 taxing districts in the same manner as taxes on all
32 other property.

33 d. In those instances where a school district
34 has entered into an agreement pursuant to section
35 279.64 for sharing of school district taxes levied and
36 collected from valuation described in this subsection
37 and released to the school district, the school
38 district shall transfer the taxes as provided in the
39 agreement.>

40 2. Page 15, after line 36 by inserting:

41 <Sec. ____ Section 403.19, Code Supplement 2011, is
42 amended by adding the following new subsection:
43 **NEW SUBSECTION.** 11. For any fiscal year, a
44 municipality may certify to the county auditor for
45 instructional support program property tax revenue
46 necessary for payment of principal and interest on
47 bonds issued or other indebtedness incurred for an
48 urban renewal project on or before April 24, 2012.
49 If for any fiscal year a municipality fails to
50 certify to the county auditor by July 1 the amount

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1 of instructional support program property tax revenue
 2 necessary for payment of principal and interest on
 3 such bonds, as provided in subsection 2, the school
 4 district is not required to pay over the revenue to the
 5 municipality. If a school district and a municipality
 6 are unable to agree on the amount of instructional
 7 support program property tax revenue certified by the
 8 municipality, either party may request that the state
 9 appeal board review and finally pass upon the amount
 10 that may be certified. Such appeals must be presented
 11 in writing to the state appeal board no later than
 12 July 31 following certification. The burden shall be
 13 on the municipality to prove that the instructional
 14 support program property tax revenue is necessary to
 15 pay principal and interest on the applicable bonds. A
 16 final decision must be issued by the state appeal board
 17 no later than the following October 1.>

18 3. Page 16, after line 39 by inserting:

19 <Sec. ____ APPLICABILITY. The provisions of
 20 this Act relating to the division of taxes for the
 21 instructional support program of a school district
 22 under section 403.19, as amended in this Act, apply
 23 to property taxes due and payable in fiscal years
 24 beginning on or after July 1, 2013.

25 4. By renumbering as necessary.

PAM JOCHUM

S-5234

HOUSE AMENDMENT TO
 SENATE FILE 2315

1 Amend Senate File 2315, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 21 and inserting
 4 <~~consult with~~ take into account any related planning
 5 activities implemented by the Iowa department of public
 6 health, the state>

7 2. Page 1, line 29, by striking <incorporate> and
 8 inserting <~~incorporate~~>

9 3. Page 1, line 30, after <services> by inserting
 10 <take into account>

11 4. Page 2, line 7, by striking <Coordinate of> and
 12 inserting <~~of~~Coordinate>

13 5. Page 2, line 10, by striking <to> and inserting
 14 <~~to~~in connection with>

15 6. Page 3, line 7, by striking <331.440B.> and
 16 inserting <331.438C. A performance-based contract
 17 shall require a regional administrator to fulfill the

18 statutory and regulatory requirements of the regional
 19 service system under this chapter and chapter 331. A
 20 failure to fulfill the requirements may be addressed
 21 by remedies specified in the contract, including but
 22 not limited to suspension of contract payments or
 23 cancellation of the contract. The contract provisions
 24 may include but are not limited to requirements for
 25 the regional service system to attain outcomes within
 26 a specified range of acceptable performance in any of
 27 the following categories:

- 28 (1) Access standards for the required core
 29 services.
 30 (2) Penetration rates for serving the number of
 31 persons expected to be served.
 32 (3) Utilization rates for inpatient and residential
 33 treatment.
 34 (4) Readmission rates for inpatient and residential
 35 treatment.
 36 (5) Employment of the persons receiving services.
 37 (6) Administrative costs.
 38 (7) Data reporting.
 39 (8) Timely and accurate claims processing.>
 40 7. Page 3, line 7, by striking <pursuant to> and
 41 inserting <as described in>
 42 8. Page 3, line 28, after <225C.6A,> by inserting
 43 <unnumbered paragraph 1,>
 44 9. Page 3, by striking line 30.
 45 10. Page 3, line 31, before <The> by inserting <1>
 46 11. Page 3, after line 33 by inserting:
 47 <Sec. ____ Section 225C.6A, subsections 1 through
 48 3, Code 2011, are amended to read as follows:>
 49 12. Page 4, line 6, by striking <~~a~~.1> and
 50 inserting <a.>

Page 2

- 1 13. Page 4, line 15, by striking <~~b~~.2> and
 2 inserting <b.>
 3 14. Page 4, line 25, by striking <3.> and inserting
 4 <2.>
 5 15. By striking page 4, line 32, through page 5,
 6 line 8.
 7 16. Page 5, after line 8 by inserting:
 8 <Sec. ____ Section 225C.6B, Code 2011, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 3. State and regional disability
 11 service systems. The publicly financed disability
 12 services for persons with mental illness, intellectual
 13 disability or other developmental disability, or
 14 brain injury in this state shall be provided by
 15 the department and the counties operating together
 16 as regions. The financial and administrative

17 responsibility for such services is as follows:

18 a. Disability services for children and adults
19 that are covered under the medical assistance program
20 pursuant to chapter 249A are the responsibility of the
21 state.

22 b. Adult mental health and intellectual disability
23 services that are not covered under the medical
24 assistance program are the responsibility of the
25 county-based regional service system.>

26 17. Page 5, line 16, by striking <department> and
27 inserting <director of human services, in consultation
28 with the commission,>

29 18. Page 5, line 18, by striking <allowed growth>
30 and inserting <the increase in the costs of providing
31 services>

32 19. Page 5, line 20, by striking <allocate> and
33 inserting <distribute>

34 20. By striking page 5, line 27, through page 6,
35 line 1.

36 21. Page 6, line 7, by striking <3, paragraph "c">
37 and inserting <~~3, paragraph "c"~~ 2>

38 22. Page 7, line 10, by striking <1.a.> and
39 inserting <1.>

40 23. By striking page 7, line 17, through page 8,
41 line 5, and inserting <state commission pursuant to
42 a recommendation made by the department. A regional
43 management plan shall include an annual service and
44 budget plan, a policies and procedures manual, and an
45 annual report. Each region's initial plan shall be
46 submitted to the department by April 1, 2014.

47 2. Each region shall submit to the department an
48 annual service and budget plan approved by the region's
49 governing board and subject to approval by the director
50 of human services. Provisions for the director of

Page 3

1 human services' approval of the annual service and
2 budget plan, and any amendments to the plan, and other
3 requirements shall be specified in rule adopted by the
4 state commission. The provisions addressed in the
5 annual plan shall include but are not limited to all
6 of the following:

7 a. The region's budget and financing provisions for
8 the next fiscal year. The provisions shall address how
9 county, regional, state, and other funding sources will
10 be used to meet the service needs within the region.

11 b. The scope of services included in addition to
12 the required core services. Each service included
13 shall be described and projection of need and the
14 funding necessary to meet the need shall be included.

15 c. The location of the local access points for

16 services.

17 d. The plan for assuring effective crisis
18 prevention, response, and resolution.

19 e. The provider reimbursement provisions. A
20 region's use of provider reimbursement approaches in
21 addition to fee-for-service reimbursement and for
22 compensating the providers engaged in a systems of care
23 approach and other nontraditional providers shall be
24 encouraged. A region also shall be encouraged to use
25 and the department shall approve funding approaches
26 that identify and incorporate all services and
27 sources of funding used by persons receiving services,
28 including medical assistance program funding.

29 f. Financial forecasting measures.

30 g. The targeted case managers designated for the
31 region.

32 3. Each region shall submit an annual report to the
33 department on or before December 1. The annual report
34 shall provide information on the actual numbers of
35 persons served, moneys expended, and outcomes achieved.

36 4. The region shall have in effect a policies and
37 procedures manual for the regional service system. The
38 manual shall be approved by the region's governing
39 board and is subject to approval by the director of
40 human services. An approved manual shall remain in
41 effect subject to amendment. An amendment to the
42 manual shall be submitted to the department at least
43 forty-five days prior to the date of implementation of
44 the amendment. Prior to implementation of an amendment
45 to the manual, the amendment must be approved by the
46 director of human services in consultation with the
47 state commission. The manual shall include but is not
48 limited to all of the following:

49 a. A description of the region's policies and
50 procedures for financing and delivering the services

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1 included in the annual service and budget plan.

2 b. The enrollment and eligibility process.

3 c. The method of annual service and budget plan
4 administration.

5 d. The process for managing utilization and access
6 to services and other assistance. The process shall
7 also describe how coordination between the services
8 included in the annual service and budget plan and
9 the disability services administered by the state and
10 others will be managed.

11 e. The quality management and improvement
12 processes.

13 f. The risk management provisions and fiscal
14 viability of the annual service and budget plan, if the

15 region contracts with a private entity.
16 g. The requirements for designation of targeted
17 case management providers and for implementation
18 of evidence-based models of case management. The
19 requirements shall be designed to provide the person
20 receiving the case management with a choice of
21 providers, allow a service provider to be the case
22 manager but prohibit the provider from referring a
23 person receiving the case management only to services
24 administered by the provider, and include other
25 provisions to ensure compliance with but not exceed
26 federal requirements for conflict-free case management.
27 The qualifications of targeted case managers and other
28 persons providing service coordination under the
29 management plan shall be specified in the rules. The
30 rules shall also include but are not limited to all of
31 the following relating to targeted case management and
32 service coordination services:
33 (1) Performance and outcome measures relating to
34 the health, safety, work performance, and community
35 residency of the persons receiving the services.
36 (2) Standards for delivery of the services,
37 including but not limited to social history,
38 assessment, service planning, incident reporting,
39 crisis planning, coordination, and monitoring for
40 persons receiving the services.
41 (3) Methodologies for complying with the
42 requirements of this paragraph "g" which may include
43 the use of electronic recordkeeping and remote or
44 internet-based training.
45 h. A plan for a systems of care approach in which
46 multiple public and private agencies partner with
47 families and communities to address the multiple needs
48 of the persons and their families involved with the
49 regional service system.
50 i. Measures to provide services in a decentralized

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1 manner that utilize the strengths and assets of
2 the administrators and service providers within and
3 available to the region.
4 j. A plan for provider network formation and
5 management.
6 k. Service provider payment provisions.
7 l. A process for resolving grievances.
8 m. Measures for implementing interagency and
9 multisystem collaboration and care coordination.
10 5. The provisions of a regional service system
11 management plan shall include measures to address the
12 needs of persons who have two>
13 24. Page 8, line 9, by striking <individuals> and

- 14 inserting <persons>
 15 25. Page 8, after line 16 by inserting:
 16 <__. If a county has been exempted pursuant to
 17 section 331.438B from the requirement to enter into a
 18 regional service system, the county and the county's
 19 board of supervisors shall fulfill all requirements
 20 under this chapter for a regional service system,
 21 regional service system management plan, regional
 22 governing board, and regional administrator, and any
 23 other provisions applicable to a region of counties
 24 providing local mental health and disability services.>
 25 26. By striking page 8, line 24, through page 10,
 26 line 13.
 27 27. Page 10, by striking lines 17 and 18 and
 28 inserting <in the core services required under section
 29 331.439D, subject to the availability of funding.>
 30 28. Page 11, line 7, by striking <disability
 31 services> and inserting <regional service system>
 32 29. Page 11, by striking lines 10 through 12 and
 33 inserting <hundred percent of the federal poverty
 34 level.>
 35 30. Page 11, line 25, by striking <is fully able to
 36 absorb the cost> and inserting <is not reimbursed for
 37 the cost with public funds>
 38 31. Page 11, line 34, after <commission> by
 39 inserting <pursuant to a recommendation made by the
 40 department>
 41 32. Page 12, line 23, by striking <diagnosable>
 42 33. Page 12, line 24, after <disorder> by inserting
 43 <or, in the opinion of a mental health professional,
 44 may now have such a diagnosable disorder>
 45 34. Page 13, lines 4 and 5, by striking <or other
 46 developmental disability>
 47 35. Page 14, by striking lines 8 through 18 and
 48 inserting <otherwise requires, "domain" means a set of
 49 similar services that>
 50 36. Page 14, line 19, by striking <an individual's>

Page 6

- 1 and inserting <a person's>
 2 37. Page 14, by striking line 23 and inserting:
 3 <(2) The director of>
 4 38. Page 14, line 28, by striking <individuals> and
 5 inserting <persons>
 6 39. Page 14, line 30, by striking <individual> and
 7 inserting <person>
 8 40. Page 14, line 32, by striking <individual> and
 9 inserting <person>
 10 41. Page 14, line 34, by striking <(3)> and
 11 inserting <b.>
 12 42. Page 15, line 3, by striking <an individual>

13 and inserting <an individual person>
14 43. Page 15, line 6, by striking <individual> and
15 inserting <individual person>
16 44. Page 15, line 9, by striking <b.> and inserting
17 <c.>
18 45. Page 15, line 20, after <program.> by inserting
19 <The rules relating to the credentialing of a person
20 directly providing services shall require all of the
21 following:
22 a. The person shall provide services and represent
23 the person as competent only within the boundaries
24 of the person's education, training, license,
25 certification, consultation received, supervised
26 experience, or other relevant professional experience.
27 b. The person shall provide services in substantive
28 areas or use intervention techniques or approaches
29 that are new only after engaging in appropriate
30 study, training, consultation, and supervision from a
31 person who is competent in those areas, techniques, or
32 approaches.
33 c. If generally recognized standards do not
34 exist with respect to an emerging area of practice,
35 the person shall exercise careful judgment and take
36 responsible steps, including obtaining appropriate
37 education, research, training, consultation, and
38 supervision, in order to ensure competence and to
39 protect from harm the persons receiving the services in
40 the emerging area of practice.>
41 46. Page 16, line 32, by striking <crisis> and
42 inserting <facility and community-based crisis>
43 47. Page 17, by striking line 15 and inserting:
44 <(3) Peer self-help drop-in centers.>
45 48. Page 17, line 34, by striking <a.>
46 49. Page 18, by striking lines 9 through 25.
47 50. Page 19, line 5, by striking <331.439E> and
48 inserting <331.439D>
49 51. Page 19, line 26, after <department> by
50 inserting <of human services>

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1 52. Page 19, after line 34 by inserting:
2 <3. a. The department of human services shall
3 create a transition committee of appropriate
4 stakeholders with whom to consult on the transition
5 from the current mental health and disability services
6 system to the regional service system as provided
7 in this Act. The transition committee shall make
8 recommendations to the governor and general assembly
9 concerning the efficacy of the property tax levy and
10 other funding provisions for the regional service
11 system, including measures for equalization payments,

12 growth, and addressing the effects of population
 13 shifts among the counties. In addition, the transition
 14 committee shall consider the data collected for the
 15 current system and for the new regional system and
 16 whether improvements are warranted.

17 b. In designating the committee members, the
 18 director of human services shall consult with the
 19 chairpersons and ranking members of the committees
 20 on human resources of the senate and house of
 21 representatives and other members of the general
 22 assembly identified by the majority or minority leader
 23 of the senate or the speaker or minority leader of the
 24 house of representatives. In addition, the membership
 25 shall include four members of the general assembly,
 26 with one each appointed by the majority and minority
 27 leader of the senate and the speaker and minority
 28 leader of the house of representatives.>

29 53. Page 19, after line 34 by inserting:

30 <Sec. ____ MENTAL HEALTH AND DISABILITY SERVICES
 31 REDESIGN TRANSITION FUND.

32 1. A mental health and disability services redesign
 33 transition fund is created under the authority of
 34 the department of human services for the fiscal year
 35 beginning July 1, 2012, and ending June 30, 2013.
 36 Moneys credited to the fund shall be used as provided
 37 in appropriations made from the fund, to be enacted by
 38 the general assembly, for allocation by the department
 39 to counties for one-time assistance for continuation
 40 of current core county mental health and disability
 41 services to targeted populations that are not funded by
 42 the Medicaid program.

43 2. The eligibility provisions for a county to
 44 receive moneys from the fund shall include but are not
 45 limited to all of the following:

46 a. The application and application materials
 47 submitted are approved by the county board of
 48 supervisors.

49 b. The county levy certified for the county's
 50 services fund under section 331.424A for the fiscal

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1 year is the maximum amount authorized by law.
 2 c. The county financial information provided
 3 with the application is independently verified. The
 4 financial information to be provided shall be specified
 5 by the department and may include actual and projected
 6 cash and accrued fund balances, detailed accounts
 7 receivable and payable information, budgeted revenues
 8 and expenditures, identification of the need for the
 9 amount requested, and costs for the county's services
 10 administration.

11 d. The required county service information is
12 provided with the application. The county service
13 information to be provided shall be specified by the
14 department and may include the following:

15 (1) The type, amount, and scope of services
16 provided by the county as compared with other counties.

17 (2) The extent to which the county subsidizes the
18 services directly provided or authorized by the county.

19 (3) The extent to which the services funded by the
20 county are included in the county's management plan
21 approved under section 331.439.

22 (4) The extent to which services are provided
23 to persons other than adults with an intellectual
24 disability or mental illness with income that is at or
25 below 150 percent of the federal poverty level.

26 e. The application contains a sustainability plan
27 in accordance with the requirements specified by the
28 department. The requirements shall include but are not
29 limited to explanation as to how the moneys requested
30 will be used during this transition year to provide
31 services in a manner that will allow the county to
32 remain within the funding available to the county under
33 per capita funding provisions, applicable to the county
34 as enacted by this Act, commencing with the fiscal year
35 beginning July 1, 2013.

36 f. The application is submitted on or before the
37 specified application date. The initial application
38 date specified shall be on or after October 15, 2012.

39 g. Other items specified by rule. The department
40 shall consult with the transition committee created by
41 this division of this Act in recommending the adoption
42 of rules by the mental health and disability services
43 commission delineating the requirements for funding
44 under this section.

45 3. The department may provide for distribution
46 provisions in which the amount awarded is distributed
47 in more than one payment based upon actual expenditures
48 and submission of required information.

49 4. The mental health and disability services
50 commission may adopt administrative rules under section

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1 17A.4, subsection 3, and section 17A.5, subsection
2 2, paragraph "b", to implement the provisions of
3 this section, and the rules shall become effective
4 immediately upon filing or on a later effective date
5 specified in the rules, unless the effective date is
6 delayed by the administrative rules review committee.
7 Any rules adopted in accordance with this subsection
8 shall not take effect before the rules are reviewed
9 by the administrative rules review committee. The

10 delay authority provided to the administrative rules
 11 review committee under section 17A.4, subsection 7, and
 12 section 17A.8, subsection 9, shall be applicable to a
 13 delay imposed under this subsection, notwithstanding a
 14 provision in those sections making them inapplicable
 15 to section 17A.5, subsection 2, paragraph "b". Any
 16 rules adopted in accordance with the provisions of
 17 this subsection shall also be published as notice of
 18 intended action as provided in section 17A.4.>

19 54. Page 20, line 2, by striking <department of
 20 human services> and inserting <department of public
 21 health>

22 55. Page 20, line 9, by striking <director of human
 23 services> and inserting <director of public health>

24 56. Page 20, line 12, after <representatives> by
 25 inserting <and other members of the general assembly
 26 identified by the majority or minority leader of the
 27 senate or the speaker or minority leader of the house
 28 of representatives>

29 57. Page 21, line 4, after <representatives> by
 30 inserting <and other members of the general assembly
 31 identified by the majority or minority leader of the
 32 senate or the speaker or minority leader of the house
 33 of representatives>

34 58. Page 21, after line 27 by inserting:

35 <Sec. ____ CHILDREN'S DISABILITY SERVICES
 36 WORKGROUP. The December 2012 report of the workgroup
 37 created by the department of human services pursuant
 38 to 2011 Iowa Acts, chapter 121, section 1, to develop
 39 a proposal for publicly funded children's disability
 40 services shall include an analysis of service and
 41 cost effects of transitioning the behavioral health
 42 intervention services formerly known as remedial
 43 services and the psychiatric medical institution
 44 for children services to the Iowa plan. The report
 45 shall also provide a specific proposal for developing
 46 services in this state to meet the needs of children
 47 who are placed out-of-state due to the lack of
 48 treatment services in this state. The workgroup
 49 membership shall be expanded to include up to four
 50 legislators, with one each appointed by the majority

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1 leader and the minority leader of the senate and
 2 the speaker and the minority leader of the house of
 3 representatives.>

4 59. Page 21, after line 27 by inserting:

5 <Sec. ____ DISPUTED BILLINGS.

6 1. To the extent allowable under federal law or
 7 regulation, if the costs of a service are payable in
 8 whole or in part by a county in accordance with a

9 chapter of the Code listed in this section, the service
10 was rendered prior to July 1, 2011, and the county that
11 would be obligated to pay for the costs of the service
12 has not been billed for the service or has disputed the
13 billing prior to the effective date of this section, or
14 the state has fully charged off the cost of the service
15 or has not provided information to appropriately
16 document the basis for the billing, the county shall
17 have no obligation to pay for the service.

18 2. This section is applicable to service costs that
19 are a county obligation for services provided under any
20 of the following chapters of the Code:

- 21 a. Chapter 221.
- 22 b. Chapter 222.
- 23 c. Chapter 230.
- 24 d. Chapter 233B.
- 25 e. Chapter 249A.
- 26 f. Chapter 812.>

27 60. Page 24, by striking lines 12 through 15 and
28 inserting:

29 <1. a. Local access to mental health and
30 disability services for adults shall be provided either
31 by counties organized into a regional service system or
32 by individual counties that are exempted as provided
33 by this subsection. The department of human services
34 shall encourage counties to enter into a regional
35 system when the regional approach is likely to increase
36 the availability of services to residents of the state
37 who need the services. It is the intent of the general
38 assembly that the adult residents of this state should
39 have access to needed mental health and disability
40 services regardless of the location of their residence.

41 b. (1) The director of human services shall exempt
42 a county from being required to enter into a regional
43 service system if the county furnishes evidence
44 that the county complies with the requirements in
45 subsection 3, paragraphs “d”, “e”, “f”, and “g”, and
46 is able to provide the core services required by law
47 to the county’s residents in a manner that is as cost
48 effective and with outcomes that are at least equal to
49 what could be provided to the residents if the county
50 would provide the services through a regional service

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1 system. The director shall identify criteria for
2 evaluating the evidence provided by counties applying
3 for the exemption. The criteria identified shall be
4 specified in rule adopted by the state commission.

5 (2) To be considered for an exemption under
6 subparagraph (1), a county must file a written
7 statement of intent to apply for an exemption with the

8 department on or before May 1, 2013, and the county's
 9 exemption application must be filed with the department
 10 on or before June 30, 2013. The director of human
 11 services shall issue a decision on the application
 12 within forty-five days of receiving the application.

13 This subparagraph is repealed July 1, 2013.

14 c. If a county has been exempted pursuant to
 15 this subsection from the requirement to enter into a
 16 regional service system, the county and the county's
 17 board of supervisors shall fulfill all requirements
 18 under this chapter and chapter 225C for a regional
 19 service system, regional service system management
 20 plan, regional governing board, and regional
 21 administrator, and any other provisions applicable to
 22 a region of counties providing local mental health and
 23 disability services.>

24 61. Page 24, by striking lines 20 and 21 and
 25 inserting <to the minimum number of counties if there
 26 is convincing evidence that>

27 62. Page 24, line 24, by striking <region> and
 28 inserting <region, unless exempted pursuant to
 29 subsection 1>

30 63. Page 24, by striking lines 29 through 31.

31 64. Page 25, lines 1 and 2, by striking <with
 32 assistance from psychiatric consultants> and inserting
 33 <through contractual arrangements with mental health
 34 professionals qualified to provide psychiatric
 35 services>

36 65. Page 26, line 7, by striking <region> and
 37 inserting <region, unless exempted pursuant to
 38 subsection 1>

39 66. Page 26, line 10, by striking <November 1,
 40 2012> and inserting <April 1, 2013>

41 67. Page 26, line 11, by striking <June 30, 2015,>
 42 and inserting <June 30, 2014, unless exempted pursuant
 43 to subsection 1,>

44 68. Page 26, line 27, by striking <access> and
 45 inserting <local access>

46 69. Page 27, line 8, by striking <with the
 47 concurrence of> and inserting <in consultation with>

48 70. Page 27, after line 13 by inserting:
 49 <__. If the department determines that a region
 50 or an exempted county is not adequately fulfilling the

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1 requirements under this chapter for a regional service
 2 system, the department shall address the region or
 3 county in the following order:

4 a. Require compliance with a corrective action
 5 plan.

6 b. Reduce the amount of the annual state funding

7 provided for the regional service system, not to exceed
8 fifteen percent of the amount.

9 c. Withdraw approval for the region or for the
10 county exemption, as applicable.>

11 71. Page 27, by striking lines 25 through 34 and
12 inserting:

13 <b. The membership of the governing board shall
14 also include one individual who utilizes mental health
15 and disability services or is an actively involved
16 relative of such an individual. This member shall
17 be designated by the advisory committee or committees
18 formed by the governing board pursuant to this section.
19 The member designated in accordance with this paragraph
20 shall serve in a nonvoting, ex officio capacity.>

21 72. Page 28, by striking lines 2 through 9 and
22 inserting:

23 <d. The membership of the governing board shall
24 also consist of one member representing service
25 providers in the region. This member shall be
26 designated by the advisory committee or committees
27 formed by the governing board pursuant to this section.
28 The member designated in accordance with this paragraph
29 shall serve in a nonvoting, ex officio capacity.>

30 73. Page 28, line 14, after <3.> by inserting <a.>

31 74. Page 28, line 16, after <department> by
32 inserting <in accordance with section 225C.4,
33 subsection 1, paragraph "u">

34 75. Page 28, after line 22 by inserting:

35 <b. The regional administrator staff shall
36 include one or more coordinators of disability
37 services. A coordinator shall possess a bachelor's
38 or higher level degree in a human services-related
39 or administrative-related field, including but not
40 limited to social work, psychology, nursing, or public
41 or business administration, from an accredited college
42 or university. However, in lieu of a degree in public
43 or business administration, a coordinator may provide
44 documentation of relevant management experience. An
45 action of a coordinator involving a clinical decision
46 shall be made in conjunction with a professional who
47 is trained in the delivery of the mental health or
48 disability service addressed by the clinical decision.
49 The regional administrator shall determine whether
50 referral to a coordinator of disability services is

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1 required for a person seeking to access a service
2 through a local access point of the regional service
3 system.>

4 76. Page 31, line 29, by striking <in the county>

5 77. Page 31, line 35, by striking <a> and inserting

6 <the>
7 78. Page 32, after line 8 by inserting:
8 <__. "Mental health professional" means the same as
9 defined in section 228.1.>
10 79. Page 32, lines 11 and 12, by striking <service
11 authorization or other services-related determination>
12 and inserting <a decision regarding a service
13 authorization or other services-related decision>
14 80. Page 32, after line 16 by inserting:
15 <3. If a service authorization or other
16 services-related decision made by a regional
17 administrator concerning a person varies from the type
18 and amount of service identified to be necessary for
19 the person in a clinical determination made by a mental
20 health professional and the mental health professional
21 believes that failure to provide the type and amount of
22 service identified could cause an immediate danger to
23 the person's health or safety, the person may request
24 an expedited review of the regional administrator's
25 decision to be made by the department of human
26 services. An expedited review held in accordance with
27 this subsection is subject to the following procedures:
28 a. The request for the expedited review shall
29 be filed within five business days of receiving the
30 notice of decision by the regional administrator. The
31 request must be in writing, plainly state the request
32 for an expedited review in the caption and body of the
33 request, and be supported by written documentation from
34 the mental health professional who made the clinical
35 determination stating how the notice of decision
36 on services could cause an immediate danger to the
37 person's health or safety.
38 b. The expedited review shall be performed by
39 a mental health professional, who is either the
40 administrator of the division of mental health
41 and disability services of the department of human
42 services or the administrator's designee. If the
43 administrator is not a mental health professional, the
44 expedited review shall be performed by a designee of
45 the administrator who is a mental health professional
46 and is free of any conflict of interest to perform
47 the expedited review. The expedited review shall be
48 performed within two business days of the time the
49 request is filed. If the reviewer determines the
50 information submitted in connection with the request is

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1 inadequate to perform the review, the reviewer shall
2 request the submission of additional information and
3 the review shall be performed within two business days
4 of the time that adequate information is submitted.

5 The regional administrator and the person, with the
6 assistance of the mental health professional who made
7 the clinical determination shall each provide a brief
8 statement of facts, conclusions, and reasons for the
9 decision made. Supporting clinical information shall
10 also be attached. All information related to the
11 proceedings and any related filings shall be considered
12 to be mental health information subject to chapter 228.

13 c. The administrator or designee shall issue an
14 order, including a brief statement of findings of fact,
15 conclusions of law, and policy reasons for the order,
16 to justify the decision made concerning the expedited
17 review. If the decision concurs with the contention
18 that there is an immediate danger to the person's
19 health or safety, the order shall identify the type
20 and amount of service which shall be provided for the
21 person. The administrator or designee shall give such
22 notice as is practicable to persons who are required
23 to comply with the order. The order is effective when
24 issued.

25 d. The decision of the administrator or designee
26 shall be considered a final agency action and is
27 subject to judicial review in accordance with section
28 17A.19. The record for judicial review consists of any
29 documents regarding the matter that were considered
30 or prepared by the administrator or designee. The
31 administrator or designee shall maintain these
32 documents as the official record of the decision. If
33 the matter is appealed to the district court, the
34 record shall be filed as confidential.>

35 81. Page 32, line 16, by striking <a final agency
36 decision> and inserting <final agency action>

37 82. Page 32, line 17, by striking <3.> and
38 inserting <4.>

39 83. Page 32, line 29, by striking <4.> and
40 inserting <5.>

41 84. Page 33, line 10, by striking <section> and
42 inserting <subsection>

43 85. Page 33, line 30, by striking <is a> and
44 inserting <shall be considered>

45 86. Page 34, line 4, by striking <section> and
46 inserting <subsection>

47 87. Page 34, line 25, by striking <decision> and
48 inserting <determination>

49 88. Page 34, after line 27 by inserting:

50 <5. a. The dispute resolution process implemented

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- 1 in accordance with this subsection applies to
- 2 billing disputes between the state and a county
- 3 or region, other than residency disputes or other

4 dispute processes under this section, involving the
5 responsibility for service costs under any of the
6 following:

- 7 (1) Chapter 221.
- 8 (2) Chapter 222.
- 9 (3) Chapter 230.
- 10 (4) Chapter 249A.
- 11 (5) Chapter 812.

12 b. If a county, region, or the department, as
13 applicable, disputes a billing for service costs listed
14 in paragraph "a", the dispute shall be resolved as
15 provided in this subsection. The county or region
16 shall notify the department of the county's or region's
17 assertion within ninety days of receiving the billing.
18 If the department disputes such a billing of a regional
19 administrator, the department shall notify the affected
20 counties or regions of the department's assertion.

21 c. The department, county, or region that received
22 the notification, as applicable, shall respond to the
23 party that provided the notification within forty-five
24 days of receiving the notification. If the parties
25 cannot agree to a settlement as to the dispute within
26 ninety days of the date of notification, on motion of
27 any of the parties, the matter shall be referred to the
28 department of inspections and appeals for a contested
29 case hearing under chapter 17A before an administrative
30 law judge assigned in accordance with section 10A.801
31 to determine facts and issue a decision to resolve the
32 dispute.

33 d. (1) The administrative law judge's decision
34 is a final agency action, notwithstanding contrary
35 provisions of section 17A.15. The party that does
36 not prevail in the decision or subsequent judicial
37 review is liable for costs associated with the
38 proceeding, including reimbursement of the department
39 of inspections and appeals' actual costs associated
40 with the administrative proceeding. Judicial review of
41 the decision may be sought in accordance with section
42 17A.19.

43 (2) If following the decision regarding a dispute
44 in accordance with this subsection, additional
45 evidence becomes available that merits a change in that
46 decision, the parties affected may change the decision
47 by mutual agreement. Otherwise, a party may move that
48 the matter be reconsidered by the department, county,
49 or region, or by the administrative law judge.

50 e. (1) Unless a petition is filed for judicial

Page 16

1 review, the administrative law judge's decision
2 regarding a disputed billing shall result in one of the
3 following:

4 (a) If a county or region is determined to be
5 responsible for the disputed amounts, the county or
6 region shall pay the amounts due and shall reimburse
7 any other amounts paid for services provided by
8 the other county or region or the department on the
9 person's behalf prior to the decision.

10 (b) If it is determined that the state is
11 responsible for the disputed amounts, the state shall
12 pay the amounts due and shall reimburse the county or
13 region, as applicable, for any payment made on behalf
14 of the person prior to the decision.

15 (2) The payment or reimbursement shall be remitted
16 within forty-five days of the date the decision was
17 issued. After the forty-five-day period, a penalty of
18 not greater than one percent per month may be added to
19 the amount due.>

20 89. Page 34, after line 31 by inserting:

21 <Sec. __. EMERGENCY RULES. The mental health and
22 disability services commission may adopt administrative
23 rules under section 17A.4, subsection 3, and section
24 17A.5, subsection 2, paragraph "b", to implement
25 the provisions of this division of this Act enacting
26 section 331.438B, that relate to criteria for
27 evaluation of an application for an exemption from
28 regionalization, and the rules shall become effective
29 immediately upon filing or on a later effective date
30 specified in the rules, unless the effective date is
31 delayed by the administrative rules review committee.
32 Any rules adopted in accordance with this section
33 shall not take effect before the rules are reviewed
34 by the administrative rules review committee. The
35 delay authority provided to the administrative rules
36 review committee under section 17A.4, subsection 7, and
37 section 17A.8, subsection 9, shall be applicable to a
38 delay imposed under this section, notwithstanding a
39 provision in those sections making them inapplicable
40 to section 17A.5, subsection 2, paragraph "b". Any
41 rules adopted in accordance with the provisions of this
42 section shall also be published as notice of intended
43 action as provided in section 17A.4.>

44 90. Page 35, after line 19 by inserting:

45 <__. "Mental health services" means services
46 provided by a mental health professional operating
47 within the scope of the professional's practice which
48 address mental, emotional, medical, or behavioral
49 problems.>

50 91. Page 35, by striking lines 24 through 28.

Page 17

1 92. Page 35, by striking lines 33 through 35 and
2 inserting <or older and has been determined by a mental
3 health professional to need subacute mental health
4 services.>

5 93. Page 36, by striking lines 4 through 9 and
6 inserting <of egress providing subacute mental health
7 services for a period exceeding twenty-four consecutive
8 hours to persons in need of the services.>

9 94. Page 36, before line 10 by inserting:
10 <_. "Subacute mental health services" means the
11 same as defined in section 225C.6.>

12 95. Page 36, line 24, by striking <the residents>
13 and inserting <persons with serious and persistent
14 mental illness so that the persons are able to
15 experience recovery and live successfully in the
16 community>

17 96. Page 36, line 29, by striking <psychiatric> and
18 inserting <subacute mental health>

19 97. Page 37, by striking line 4 and inserting <each
20 resident as medically necessary and shall be>

21 98. Page 37, by striking lines 7 through 9 and
22 inserting <be provided by a mental health professional.
23 The>

24 99. Page 37, by striking lines 15 through 20.

25 100. Page 38, by striking lines 6 through 11 and
26 inserting:

27 <The department shall issue a license to an
28 applicant under this chapter if the following
29 conditions exist:

30 1. The department has ascertained that the
31 applicant's facilities and staff are adequate to
32 provide the care and services required of a subacute
33 care facility.

34 2. a. The department of human services has
35 submitted written approval of the application based
36 upon the process used by the department of human
37 services to identify the best qualified providers. The
38 department of human services shall utilize a request
39 for proposals process to identify the best qualified
40 providers, limit the number of subacute care facility
41 beds, and ensure the geographic dispersion of subacute
42 mental health services.

43 b. The department of human services shall not give
44 approval to an application which would cause the number
45 of publicly funded subacute care facility beds licensed
46 under this chapter to exceed fifty beds.

47 c. The subacute care facility beds identified by
48 the request for proposals process shall be existing
49 beds which have been awarded a certificate of need
50 pursuant to chapter 135. Such beds shall not be

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1 required to obtain an additional certificate of need
2 upon conversion to licensed subacute care facility
3 beds.>
4 101. Page 39, line 15, by striking <The> and
5 inserting:
6 <1. The department of inspections and appeals and
7 the department of human services shall collaborate in
8 establishing standards for licensing of subacute care
9 facilities to achieve all of the following objectives:
10 a. Subacute mental health services are provided
11 based on sound, proven clinical practice.
12 b. Subacute mental health services are established
13 in a manner that allows the services to be included in
14 the federal medical assistance state plan.
15 2. It is the intent of the general assembly that
16 subacute mental health services be included in the
17 Medicaid state plan adopted for the implementation of
18 the federal Patient Protection and Affordable Care Act,
19 benchmark plan.
20 3. The>
21 102. Page 39, line 25, by striking
22 <—confidentiality>
23 103. By striking page 39, line 33, through page 40,
24 line 3, and inserting <or prior to the inspection.>
25 104. Page 42, by striking lines 18 through 24
26 and inserting <After the respondent's admission, the
27 observation, medical treatment, and hospital care
28 of the respondent may be provided by a mental health
29 professional, as defined in section 228.1, who is
30 licensed as a physician, advanced registered nurse
31 practitioner, or physician assistant.>
32 105. Page 42, by striking lines 25 through 35 and
33 inserting:
34 <Sec. ____ Section 225C.6, Code Supplement 2011, is
35 amended by adding the following new subsection:
36 NEW SUBSECTION. 4. a. The department shall
37 coordinate with the department of inspections and
38 appeals in the establishment of facility-based and
39 community-based, subacute mental health services.
40 b. A person shall not provide community-based,
41 subacute mental health services unless the person
42 has been accredited to provide the services. The
43 commission shall adopt standards for subacute mental
44 health services and for accreditation of providers of
45 community-based, subacute mental health services.
46 c. As used in this subsection, "subacute mental
47 health services" means all of the following:
48 (1) A comprehensive set of wraparound services for
49 persons who have had or are at imminent risk of having
50 acute or crisis mental health symptoms that do not

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1 permit the persons to remain in or threatens removal
2 of the persons from their home and community, but who
3 have been determined by a mental health professional
4 and a licensed health care professional, subject to
5 the professional's scope of practice, not to need
6 inpatient acute hospital services. For the purposes of
7 this subparagraph, "mental health professional" means
8 the same as defined in section 228.1 and "licensed
9 health care professional" means a person licensed
10 under chapter 148 to practice medicine and surgery
11 or osteopathic medicine and surgery, an advanced
12 registered nurse practitioner licensed under chapter
13 152 or 152E and registered with the board of nursing,
14 or a physician assistant licensed to practice under the
15 supervision of a physician as authorized in chapters
16 147 and 148C.

17 (2) Intensive, recovery-oriented treatment
18 and monitoring of the person with direct or remote
19 access to a psychiatrist or advanced registered nurse
20 practitioner.

21 (3) An outcome-focused, interdisciplinary approach
22 designed to return the person to living successfully
23 in the community.

24 (4) Services that may be provided in a wide array
25 of settings ranging from the person's home to a
26 facility providing subacute mental health services.

27 (5) Services that are time limited to not more
28 than ten days or another time period determined in
29 accordance with rules adopted for this purpose.

30 d. Subacute mental health services and the
31 standards for the services shall be established in
32 a manner that allows for accessing federal Medicaid
33 funding.

34 Sec. ___. SUBACUTE CARE FACILITY — REIMBURSEMENT
35 METHODOLOGY. The department of human services shall
36 develop a reimbursement methodology for subacute care
37 facility for persons with serious and persistent mental
38 illness services, as defined in this division of this
39 Act. It is the intent of the general assembly that
40 the reimbursement methodology will take effect during
41 the fiscal year beginning July 1, 2012, and result in
42 an initial reimbursement rate in the range of \$400 to
43 \$500 per day. Such rate shall be subject to annual
44 adjustment as provided by law.>

45 106. Page 43, after line 7 by inserting:

46 <Sec. ___. STATE AGENCY ACTIVITIES CONCERNING
47 SUBACUTE, CRISIS STABILIZATION, AND RESIDENTIAL CARE
48 FACILITY SERVICES.

49 1. The department of human services shall work
50 with the departments of public health and inspections

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1 and appeals and other relevant stakeholders to
2 identify appropriate definitions and other regulatory
3 provisions to address residential care facilities and
4 both facility and nonfacility subacute and crisis
5 stabilization services. The department shall consider
6 the experience of the crisis stabilization program
7 pilot project authorized by this division of this
8 Act in identifying regulatory provisions for such
9 programs. The appropriate department shall adopt rules
10 to implement the provisions identified.

11 2. It is the intent of the general assembly that
12 the Medicaid state plan adopted for the implementation
13 of the federal Patient Protection and Affordable Care
14 Act, Pub. L. No. 111-148, will include coverage of
15 both facility and nonfacility subacute and crisis
16 stabilization services.

17 3. The department of human services shall work
18 with the entity under contract with the department
19 to provide mental health managed care under the
20 medical assistance program to ensure there is adequate
21 reimbursement of both facility and nonfacility subacute
22 and crisis stabilization services.>

23 107. Page 43, before line 8 by inserting:
24 <Sec. ____ CRISIS STABILIZATION PROGRAM PILOT
25 PROJECT.

26 1. The department of human services shall authorize
27 a facility-based, crisis stabilization program pilot
28 project implemented by the regional service network
29 initiated pursuant to 2008 Iowa Acts, chapter 1187,
30 section 59, subsection 9. The facility operated
31 by the program shall not be required to be licensed
32 under chapter 135B, 135C, or 231C. The purpose of
33 the pilot project is to provide a prototype for the
34 departments of human services, inspections and appeals,
35 and public health to develop regulatory standards for
36 such programs and facilities. The pilot project shall
37 comply with appropriate standards associated with
38 funding of the services provided by the project that
39 are identified by the department of human services.
40 The facility shall be limited to not more than 10 beds
41 and shall be authorized to operate through June 30,
42 2013.

43 2. The network, in cooperation with the departments
44 of human services, inspections and appeals, and
45 public health, shall report to the governor, the
46 general assembly, and the legislative services agency
47 concerning the pilot project on or before December 14,
48 2012, providing findings and recommendations. The
49 report shall include recommendations for criteria
50 concerning admissions, staff qualifications, staffing

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1 levels, exclusion and inclusion of service recipients,
2 lengths of stays, transition between services, and
3 facility requirements, and for goals and objectives for
4 such programs and facilities.>

5 108. Page 43, after line 9 by inserting:

6 <DIVISION ____
7 CO-OCCURRING CONDITIONS

8 Sec. ____ Section 125.10, subsection 3, Code
9 Supplement 2011, is amended to read as follows:

10 3. Coordinate the efforts and enlist the assistance
11 of all public and private agencies, organizations and
12 individuals interested in the prevention of substance
13 abuse and the treatment of substance abusers, chronic
14 substance abusers, and intoxicated persons. The
15 director's actions to implement this subsection shall
16 also address the treatment needs of persons who have
17 a mental illness, an intellectual disability, brain
18 injury, or other co-occurring condition in addition to
19 a substance-related disorder.

20 Sec. ____ Section 125.12, subsection 3, Code
21 Supplement 2011, is amended to read as follows:

22 3. The director shall provide for adequate and
23 appropriate treatment for substance abusers, chronic
24 substance abusers, intoxicated persons, and concerned
25 family members admitted under sections 125.33 and
26 125.34, or under section 125.75, 125.81, or 125.91.
27 Treatment shall not be provided at a correctional
28 institution except for inmates. A mental health
29 professional, as defined in section 228.1, who is
30 employed by a treatment provider under the program
31 may provide treatment to a person with co-occurring
32 substance-related and mental health disorder. Such
33 treatment may also be provided by a person employed
34 by such a treatment provider who is receiving the
35 supervision required to meet the definition of
36 mental health professional but has not completed the
37 supervision component.

38 Sec. ____ Section 226.10, Code 2011, is amended to
39 read as follows:

40 226.10 Equal treatment.

41 ~~The several~~ patients of the state mental health
42 institutes, according to their different conditions
43 of mind and body, and their respective needs, shall
44 be provided for and treated with equal care. If in
45 addition to mental illness a patient has a co-occurring
46 intellectual disability, brain injury, or substance
47 abuse disorder, the care provided shall also address
48 the co-occurring needs.>

49 109. Page 43, before line 10 by inserting:

50 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following

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1 provision or provisions of this Act, being deemed of
2 immediate importance, take effect upon enactment:

3 1. The section of this Act authorizing a crisis
4 stabilization program pilot project.>

5 110. Page 43, by striking lines 11 and 12 and
6 inserting:

7 <BRAIN INJURY DEFINITION>

8 111. Page 43, by striking line 35 and inserting

9 <assistance program.

10 Sec. ____ Section 225C.23, subsection 2, Code 2011,
11 is amended to read as follows:

12 2. For the purposes of this section ~~and section~~
13 ~~135.22A~~, “brain injury” means the ~~occurrence of injury~~
14 ~~to the head not primarily related to a degenerative~~
15 ~~disease or aging process that is documented in a~~
16 ~~medical record with one or more of the following~~
17 ~~conditions attributed to the head injury:~~

18 a. ~~An observed or self reported decreased level of~~
19 ~~consciousness.~~

20 b. ~~Amnesia.~~

21 c. ~~A skull fracture.~~

22 d. ~~An objective neurological or neuropsychological~~
23 ~~abnormality.~~

24 e. ~~A diagnosed intracranial lesion same as defined~~
25 ~~in section 135.22.~~

26 DIVISION ____

27 LEGAL SETTLEMENT>

28 112. Page 49, line 27, by striking <225C.8> and
29 inserting <225C.8 331.438F>

30 113. Page 50, line 28, by striking <225C.8> and
31 inserting <225C.8 331.438F>

32 114. Page 50, line 30, by striking <225C.8> and
33 inserting <225C.8 331.438F>

34 115. Page 51, line 29, by striking <225C.8> and
35 inserting <225C.8 331.438F>

36 116. Page 52, line 34, by striking <225C.8> and
37 inserting <225C.8 331.438F>

38 117. By striking page 56, line 25, through page 58,
39 line 30.

40 118. Page 59, by striking lines 13 through 27.

41 119. Page 64, line 25, by striking <225C.8> and
42 inserting <225C.8 331.438F>

43 120. Page 65, line 30, by striking <225C.8> and
44 inserting <225C.8 331.438F>

45 121. Page 66, after line 7 by inserting:

46 <Sec. ____ Section 230.6, Code 2011, is amended to
47 read as follows:

48 230.6 Investigation by administrator.

49 The administrator shall immediately investigate the
50 ~~legal settlement~~ residency of a patient and proceed as

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1 follows:
2 1. If the administrator concurs with a certified
3 determination of ~~legal settlement~~ residency concerning
4 the patient, the administrator shall cause the patient
5 either to be transferred to a state hospital for
6 persons with mental illness at the expense of the
7 state, or to be transferred, with approval of the court
8 as required by chapter 229 to the place of foreign
9 ~~settlement~~ residence.
10 2. If the administrator disputes a certified legal
11 ~~settlement~~ residency determination, the administrator
12 shall order the patient to be maintained at a state
13 hospital for persons with mental illness at the expense
14 of the state until the dispute is resolved.
15 3. If the administrator disputes a ~~legal settlement~~
16 residency determination, the administrator shall
17 utilize the procedure provided in section ~~225C.8~~
18 331.438F to resolve the dispute. A determination of
19 the person's ~~legal settlement~~ residency status made
20 pursuant to section ~~225C.8~~ 331.438F is conclusive.>
21 122. Page 67, line 4, by striking <225C.8> and
22 inserting <~~225C.8~~ 331.438F>
23 123. Page 68, line 4, by striking <225C.8> and
24 inserting <~~225C.8~~ 331.438F>
25 124. Page 68, after line 16 by inserting:
26 <Sec. ____ Section 232.141, subsection 8, Code
27 2011, is amended to read as follows:
28 8. This subsection applies only to placements in
29 a juvenile shelter care home which is publicly owned,
30 operated as a county or multicounty shelter care home,
31 organized under a chapter 28E agreement, or operated by
32 a private juvenile shelter care home. If the actual
33 and allowable costs of a child's shelter care placement
34 exceed the amount the department is authorized to pay
35 in accordance with law and administrative rule, the
36 unpaid costs may be recovered from the child's county
37 of legal settlement. However, the maximum amount of
38 the unpaid costs which may be recovered under this
39 subsection is limited to the difference between the
40 amount the department is authorized to pay and the
41 statewide average of the actual and allowable rates
42 in effect in May of the preceding fiscal year for
43 reimbursement of juvenile shelter care homes. In no
44 case shall the home be reimbursed for more than the
45 home's actual and allowable costs. The unpaid costs
46 are payable pursuant to filing of verified claims
47 against the county of legal settlement. A detailed
48 statement of the facts upon which a claim is based
49 shall accompany the claim. Any dispute between
50 counties arising from filings of claims pursuant to

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1 this subsection shall be settled in the manner provided
2 to determine ~~legal settlement~~ residency in section
3 ~~225C.8 331.438F.>~~

4 125. Page 70, line 34, by striking <and 7> and
5 inserting <7, and 8>

6 126. Page 71, after line 34 by inserting:
7 <8. If a dispute arises between different counties
8 or between the department and a county as to the ~~legal~~
9 ~~settlement~~ residency of a person who receives medical
10 assistance for which the nonfederal share is payable
11 in whole or in part by a county of ~~legal settlement~~
12 residence, and cannot be resolved by the parties, the
13 dispute shall be resolved as provided in section ~~225C.8~~
14 ~~331.438F.>~~

15 127. Page 72, line 16, by striking <225C.8> and
16 inserting <~~225C.8 331.438F~~>

17 128. Page 74, after line 13 by inserting:
18 <Sec. ____ REPEAL. Section 225C.8, Code 2011, is
19 repealed.

20 Sec. ____ EFFECTIVE DATE. This division of this
21 Act takes effect July 1, 2013.>

22 129. Page 74, after line 13 by inserting:
23 <DIVISION ____

24 PROPERTY TAX RELIEF PROVISIONS

25 Sec. ____ NEW SECTION. 331.424D County mental
26 health and disabilities services fund.

27 1. For the purposes of this chapter and chapter
28 426B, unless the context otherwise requires:

29 a. "Base year expenditures for mental health and
30 disabilities services" means the same as defined in
31 section 331.438, Code Supplement 2011, minus the amount
32 the county received from the property tax relief fund
33 pursuant to section 426B.1, Code 2011, for the fiscal
34 year beginning July 1, 2008.

35 b. "County population expenditure target amount"
36 means the product of the statewide per capita
37 expenditure target amount multiplied by a county's
38 general population.

39 c. "County services fund" means a county mental
40 health and disabilities services fund created pursuant
41 to this section.

42 d. "Per capita growth amount" means the amount by
43 which the statewide per capita expenditure target
44 amount may grow from one year to the next.

45 e. "Statewide per capita expenditure target amount"
46 means the dollar amount of a statewide expenditure
47 target per person as established by statute.

48 2. The county finance committee created in section
49 333A.2 shall consult with the department of human
50 services and the department of management in adopting

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1 rules and prescribing forms for administering the
2 county services funds.

3 3. a. For the fiscal year beginning July 1, 2013,
4 and succeeding fiscal years, revenues from taxes
5 and other sources designated by a county for mental
6 health and disabilities services shall be credited
7 to a mental health and disabilities services fund
8 which shall be created by the county. The board shall
9 make appropriations from the county services fund
10 for payment of services provided under the regional
11 service system management plan approved pursuant to
12 section 331.439A. The county may pay for the services
13 in cooperation with other counties by combining
14 appropriations from the county services fund with
15 appropriations from the county services funds of other
16 counties, through the county's regional administrator,
17 or through another arrangement specified in the
18 regional governance agreement entered into by the
19 county under section 331.438E.

20 b. Appropriations specifically authorized to be
21 made from the county services fund shall not be made
22 from any other fund of the county.

23 4. For the fiscal year beginning July 1, 2013,
24 and succeeding fiscal years, receipts from the state
25 or federal government for the mental health and
26 disabilities services administered or paid for by a
27 county shall be credited to the county services fund,
28 including moneys distributed to the county through the
29 department of human services and moneys distributed
30 pursuant to chapter 426B to the county for property tax
31 relief.

32 5. a. For the fiscal year beginning July 1, 2013,
33 and for each subsequent fiscal year, the county shall
34 certify a levy for payment of services from the county
35 services fund. For each fiscal year, county revenues
36 from taxes levied by the county and credited to the
37 county services fund shall not exceed the lower of the
38 following amounts:

39 (1) The amount of the county's base year
40 expenditures for mental health and disabilities
41 services.

42 (2) The amount equal to the product of the
43 statewide per capita expenditure target for the fiscal
44 year beginning July 1, 2013, multiplied by the county's
45 general population for the same fiscal year.

46 b. The county auditor and the board of supervisors
47 shall certify the levy for the county services fund as
48 required by paragraph "a". A levy certified under this
49 subsection is not subject to the provisions of section
50 331.426 or to any other provision in law authorizing a

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1 county to exceed, increase, or appeal a property tax
2 levy limit.

3 Sec. ____. Section 331.432, subsection 3, Code
4 Supplement 2011, is amended to read as follows:

5 3. Except as authorized in section 331.477,
6 transfers of moneys between the county mental health,
7 ~~mental retardation, and developmental disabilities~~
8 services fund created pursuant to section 331.424D and
9 any other fund are prohibited.

10 Sec. ____. Section 426B.1, subsection 2, Code 2011,
11 is amended by striking the subsection and inserting in
12 lieu thereof the following:

13 2. Moneys shall be distributed from the property
14 tax relief fund to counties for the mental health and
15 disability regional service system for providing county
16 base property tax equivalent equalization payments and
17 the per capita growth amount established pursuant to
18 section 426B.3, in accordance with the appropriations
19 made to the fund and other statutory requirements.

20 Sec. ____. Section 426B.2, subsections 1 and 2, Code
21 2011, are amended by striking the subsections.

22 Sec. ____. Section 426B.2, subsection 3, Code 2011,
23 is amended to read as follows:

24 3. ~~a.~~ The director of human services shall draw
25 warrants on the property tax relief fund, payable to
26 the county treasurer in the amount due to a county in
27 accordance with ~~subsection 1~~ section 426B.3, and mail
28 the warrants to the county auditors in July and January
29 of each year.

30 ~~b. Any replacement generation tax in the property
31 tax relief fund as of May 1 shall be paid to the
32 county treasurers in July and January of the fiscal
33 year beginning the following July 1. The department
34 of management shall determine the amount each county
35 will be paid pursuant to this lettered paragraph
36 for the following fiscal year. The department shall
37 reduce by the determined amount the amount of each
38 county's certified budget to be raised by property
39 tax for that fiscal year which is to be expended for
40 mental health, mental retardation, and developmental
41 disabilities services and shall revise the rate of
42 taxation as necessary to raise the reduced amount. The
43 department of management shall report the reduction in
44 the certified budget and the revised rate of taxation
45 to the county auditors by June 15.~~

46 Sec. ____. Section 426B.3, Code 2011, is amended by
47 striking the section and inserting in lieu thereof the
48 following:

49 426B.3 Per capita funding.

50 1. Commencing with the fiscal year beginning July

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1 1, 2013, the state and county funding for the mental
2 health and disability services administered or paid for
3 by counties shall be provided based on a statewide per
4 capita expenditure target amount computed in accordance
5 with this section.

6 2. The statewide per capita expenditure target
7 amount shall consist of the sum of the following:

8 a. A county base property tax equivalent to
9 forty-seven dollars and twenty-eight cents per capita.
10 Each per capita growth amount established by statute
11 as provided in paragraph "b", shall be added to this
12 amount.

13 b. A per capita growth amount, which may be stated
14 as a percentage of the prior fiscal year's county base
15 property tax per capita amount, as established by
16 statute.

17 3. The per capita growth amount established
18 by statute shall provide funding for increases in
19 non-Medicaid expenditures from county services funds
20 due to service costs, additional service populations,
21 additional core service domains, and numbers of persons
22 receiving services.

23 4. a. For the fiscal year beginning July 1, 2013,
24 and succeeding fiscal years, a county with a county
25 population expenditure target amount that exceeds
26 the amount of the county's base year expenditures for
27 mental health and disabilities services shall receive
28 an equalization payment for the difference.

29 b. The equalization payments determined in
30 accordance with this subsection shall be made by the
31 department of human services for each fiscal year as
32 provided in appropriations made from the property tax
33 relief fund for this purpose.

34 Sec. ___. REPEAL. Section 426B.6, Code Supplement
35 2011, is repealed.

36 Sec. ___. EFFECTIVE DATE. The following provisions
37 of this division of this Act takes effect July 1, 2013:

38 1. The section of this Act amending section
39 331.432.

40 2. The section of this Act amending section 426B.1.

41 3. The sections of this Act amending section
42 426B.2.

43 4. The section of this Act amending section 426B.3.

44 Sec. ___. APPLICABILITY. The following provisions
45 of this division of this Act are applicable commencing
46 with the budget and tax levy certification process for
47 the fiscal year beginning July 1, 2013:

48 1. The section of this Act amending section 426B.1.

49 2. The sections of this Act amending section
50 426B.2.

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- 1 3. The section of this Act amending section
- 2 426B.3.>
- 3 130. Title page, line 4, after <regions> by
- 4 inserting <, revising related property tax levy
- 5 provisions,>
- 6 131. By renumbering as necessary.

S-5235

- 1 Amend Senate File 2342 as follows:
- 2 1. Page 2, line 30, by striking <Twenty-five> and
- 3 inserting <Fifty>
- 4 2. Page 2, line 34, by striking <Twenty-five> and
- 5 inserting <Fifty>
- 6 3. Page 3, line 29, by striking <twenty-five> and
- 7 inserting <fifty>

JOE BOLKCOM

S-5236

- 1 Amend House File 2465, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting clause
- 4 and inserting:

<DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. 2011 Iowa Acts, chapter 131, section 42,
is amended to read as follows:

SEC. 42. LIMITATION OF STANDING APPROPRIATIONS.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

- 1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

.....	\$	<u>208,351</u>
.....		<u>416,702</u>

2. For regional tourism marketing under section 99F.11, subsection 3, paragraph "d", subparagraph (2):	\$	<u>405,153</u>
.....		<u>810,306</u>

3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph "a":	\$	85,560
.....		

- ~~4. For primary and secondary child abuse prevention~~

30	programs under section 144.13A, subsection 4, paragraph		
31	"a":		
32	.....	\$	108,886
33	5. For programs for at-risk children under section		
34	279.51:		
35	.....	\$	5,364,446
36			<u>10,728,891</u>
37	The amount of any reduction in this subsection shall		
38	be prorated among the programs specified in section		
39	279.51, subsection 1, paragraphs "a", "b", and "c".		
40	6. For payment for nonpublic school transportation		
41	under section 285.2:		
42	.....	\$	7,060,931
43	If total approved claims for reimbursement for		
44	nonpublic school pupil transportation exceed the amount		
45	appropriated in accordance with this subsection, the		
46	department of education shall prorate the amount of		
47	each approved claim.		
48	7. For the enforcement of chapter 453D relating to		
49	tobacco product manufacturers under section 453D.8:		
50	\$	<u>9,208</u>

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1			<u>18,416</u>
2	<u>8. For reimbursement for the homestead property tax</u>		
3	<u>credit under section 425.1:</u>		
4	.....	\$	86,188,387
5	<u>9. For reimbursement for the family farm and</u>		
6	<u>agricultural land tax credits under sections 425A.1 and</u>		
7	<u>426.1:</u>		
8	.....	\$	32,395,131

DIVISION II

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

11 Sec. 2. DEPARTMENT OF PUBLIC HEALTH — IOWA YOUTH
12 SUICIDE PREVENTION PROGRAM. There is appropriated
13 from the general fund of the state to the department
14 of public health for the fiscal year beginning July 1,
15 2012, and ending June 30, 2013, the following amount,
16 or so much thereof as is necessary, to be used for the
17 purposes designated:

18	To contract for a program to develop an Iowa youth		
19	suicide prevention program:		
20	.....	\$	137,000

21 1. The department of public health shall issue
22 a request for proposals to select the most qualified
23 applicant that is experienced in working with the
24 target population to develop and administer an Iowa
25 youth suicide prevention program that employs a program
26 coordinator and provides for all of the following:
27 a. Administrative expenses, including but not
28 limited to facilities, communications, and professional

29 services and staff development.
30 b. School, community, and health care training for
31 specific groups identified as strategically placed to
32 enhance protective factors.
33 c. Resources and outreach, including but not
34 limited to site visits and school climate surveys, to
35 Iowa's high schools.
36 d. An antibullying internet site; internet-based
37 communications, including but not limited to texting
38 capabilities; and a telephone hotline.
39 e. Program evaluation criteria for evaluation of
40 the performance of the program administered by the
41 applicant selected.
42 2. The department shall establish a request
43 for proposals process which shall be based upon
44 specifications established under a suicide prevention
45 plan for youth who are targets of bullying, which was
46 developed in partnership with the department during the
47 2011–2012 fiscal year.
48 3. The department shall submit to the general
49 assembly a progress report on or before January 15,
50 2013, providing a detailed analysis of the program, its

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1 budgetary requirements, and the department's findings
2 and recommendations for continuation of the program.
3 Sec. 3. 2007 Iowa Acts, chapter 219, section 2,
4 subsection 2, paragraph a, as enacted by 2011 Iowa
5 Acts, chapter 133, section 32, is amended to read as
6 follows:
7 a. Notwithstanding section 8.33, moneys
8 appropriated in section 1, subsection 1, paragraphs
9 "a" and "f" of this division of this Act that remain
10 unencumbered or unobligated at the close of the fiscal
11 year for which they were appropriated shall not revert
12 but shall remain available for the purposes designated
13 until the close of the fiscal year that begins July
14 1, ~~2011~~ 2012, or until the project for which the
15 appropriation was made is completed, whichever is
16 earlier.
17 Sec. 4. 2010 Iowa Acts, chapter 1193, section 29,
18 subsection 2, as enacted by 2011 Iowa Acts, chapter
19 127, section 54, is amended to read as follows:
20 2. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered
22 or unobligated at the close of the fiscal year ending
23 June 30, 2011, shall not revert but shall remain
24 available for expenditure for the purposes designated
25 until the close of the fiscal year ending June 30, ~~2012~~
26 2013.
27 Sec. 5. 2011 Iowa Acts, chapter 127, section 72,

28 subsection 4, paragraph b, unnumbered paragraph 1, as
29 amended by 2012 Iowa Acts, Senate File 2313, section
30 13, if enacted, is amended to read as follows:

31 The department shall, in coordination with the health
32 facilities division, make the following information
33 available to the public by December 31, 2012, as part
34 of the department's development efforts to revise the
35 department's internet website:

36 Sec. 6. 2012 Iowa Acts, House File 675, section 28,
37 subsection 2, is amended to read as follows:

38 2. The notice provisions contained in this Act
39 relating to residential construction apply only
40 to material furnished or labor performed after the
41 effective date of this Act.

42 Sec. 7. NEW SECTION. 15E.71 Executive council
43 action.

44 Notwithstanding section 7D.29, subsection 1,
45 the executive council may take any action deemed
46 necessary to protect the interests of the state with
47 respect to any certificates, tax credits, entities
48 created, or action taken in relation to this division.
49 Such actions may include but are not limited to
50 initiation of legal action, commencement of special

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1 investigations, institution of special audits of any
2 involved entity, or establishment of receiverships.

3 Sec. 8. Section 16.27, subsections 4 and 5, Code
4 2011, are amended by striking the subsections.

5 Sec. 9. NEW SECTION. 17A.6A Rulemaking internet
6 site.

7 1. Subject to the direction of the administrative
8 rules coordinator, each agency shall make available to
9 the public a uniform, searchable, and user-friendly
10 rules database, published on an internet site.

11 2. An agency's rulemaking internet site shall also
12 make available to the public all of the following:

13 a. A brief summary of the rulemaking process,
14 including a description of any opportunity for public
15 participation in the process.

16 b. Process forms for filing comments or complaints
17 concerning proposed or adopted rules.

18 c. Process forms and instructions for filing a
19 petition for rulemaking, a petition for a declaratory
20 order, or a request for a waiver of an administrative
21 rule.

22 d. Any other material prescribed by the
23 administrative rules coordinator.

24 3. To the extent practicable, the administrative
25 rules coordinator shall create a uniform format for
26 rulemaking internet sites.

27 Sec. 10. Section 17A.7, subsection 2, Code 2011,
28 is amended by striking the subsection and inserting in
29 lieu thereof the following:

30 2. Beginning July 1, 2012, over each five-year
31 period of time, an agency shall conduct an ongoing
32 and comprehensive review of all of the agency's
33 rules. The goal of the review is the identification
34 and elimination of all rules of the agency that are
35 outdated, redundant, or inconsistent or incompatible
36 with statute or its own rules or those of other
37 agencies. An agency shall commence its review by
38 developing a plan of review in consultation with major
39 stakeholders and constituent groups. When the agency
40 completes its five-year review of its rules, the
41 agency shall provide a summary of the results to the
42 administrative rules coordinator and the administrative
43 rules review committee.

44 Sec. 11. Section 17A.8, subsection 4, Code 2011, is
amended to read as follows:

46 4. a. The committee shall ~~choose a chairperson~~
47 ~~from its membership and~~ prescribe its rules of
48 procedure. The committee may employ a secretary or may
49 appoint the administrative code editor or a designee
50 to act as secretary.

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1 b. The chairperson of the committee shall be
2 chosen as provided in this paragraph. For the term
3 commencing with the convening of the first regular
4 session of each general assembly and ending upon
5 the convening of the second regular session of that
6 general assembly, the chairperson shall be chosen by
7 the committee from its members who are members of the
8 house of representatives. For the term commencing with
9 the convening of the second regular session of each
10 general assembly and ending upon the convening of the
11 first regular session of the next general assembly,
12 the chairperson shall be chosen by the committee from
13 its members who are members of the senate. A vacancy
14 shall be filled in the same manner as the original
15 appointment and shall be for the remainder of the
16 unexpired term of the vacancy.

17 Sec. 12. Section 97A.6, subsection 7, paragraph
18 a, subparagraph (1), Code 2011, is amended to read as
19 follows:

20 (1) Should any beneficiary for either ordinary
21 or accidental disability, except a beneficiary
22 who is fifty-five years of age or over and would
23 have completed twenty-two years of service if the
24 beneficiary had remained in active service, be engaged
25 in a gainful occupation paying more than the difference

26 between the member's net retirement allowance and
27 ~~one two~~ and one-half times the current earnable
28 compensation of an active member at the same position
29 on the salary scale within the member's rank as the
30 member held at retirement, then the amount of the
31 retirement allowance shall be reduced to an amount
32 such that the member's net retirement allowance plus
33 the amount earned by the member shall equal ~~one two~~
34 and one-half times the amount of the current earnable
35 compensation of an active member at the same position
36 on the salary scale within the member's rank as the
37 member held at retirement. Should the member's earning
38 capacity be later changed, the amount of the retirement
39 allowance may be further modified, provided that the
40 new retirement allowance shall not exceed the amount of
41 the retirement allowance originally granted adjusted by
42 annual readjustments of pensions pursuant to subsection
43 14 of this section nor an amount which would cause the
44 member's net retirement allowance, when added to the
45 amount earned by the beneficiary, to equal ~~one two~~
46 and one-half times the amount of the current earnable
47 compensation of an active member at the same position
48 on the salary scale within the member's rank as the
49 member held at retirement. A beneficiary restored
50 to active service at a salary less than the average

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1 final compensation upon the basis of which the member
2 was retired at age fifty-five or greater, shall not
3 again become a member of the retirement system and
4 shall have the member's retirement allowance suspended
5 while in active service. If the rank or position
6 held by the retired member is subsequently abolished,
7 adjustments to the allowable limit on the amount of
8 income which can be earned in a gainful occupation
9 shall be computed in the same manner as provided in
10 subsection 14, paragraph "c", of this section for
11 readjustment of pensions when a rank or position has
12 been abolished. If the salary scale associated with a
13 member's rank at retirement is changed after the member
14 retires, earnable compensation for purposes of this
15 section shall be based upon the salary an active member
16 currently would receive at the same rank and with
17 seniority equal to that of the retired member at the
18 time of retirement. For purposes of this paragraph,
19 "net retirement allowance" means the amount determined
20 by subtracting the amount paid during the previous
21 calendar year by the beneficiary for health insurance
22 or similar health care coverage for the beneficiary
23 and the beneficiary's dependents from the amount of
24 the member's retirement allowance paid for that year

25 pursuant to this chapter. The beneficiary shall submit
26 sufficient documentation to the board of trustees
27 to permit the system to determine the member's net
28 retirement allowance for the applicable year.

29 Sec. 13. Section 97B.52A, subsection 1, paragraph
30 c, subparagraph (2), subparagraph division (b), Code
31 2011, is amended to read as follows:

32 (b) For a member whose first month of entitlement
33 is July 2004 or later, but before July ~~2012~~ 2014,
34 covered employment does not include employment as a
35 licensed health care professional by a public hospital
36 as defined in section 249J.3, with the exception of
37 public hospitals governed pursuant to chapter 226.

38 Sec. 14. Section 256C.4, subsection 1, Code 2011,
39 is amended by adding the following new paragraphs:

40 NEW PARAGRAPH. g. For the fiscal year beginning
41 July 1, 2011, and each succeeding fiscal year, of the
42 amount of preschool foundation aid received by a school
43 district for a fiscal year in accordance with section
44 257.16, not more than five percent may be used by
45 the school district for administering the district's
46 approved local program.

47 NEW PARAGRAPH. h. For the fiscal year beginning
48 July 1, 2012, and each succeeding fiscal year, of
49 the amount of preschool foundation aid received by a
50 school district for a fiscal year in accordance with

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1 section 257.16, not less than ninety-five percent
2 of the per pupil amount shall be passed through to
3 a community-based provider for each pupil enrolled
4 in the district's approved local program. For the
5 fiscal year beginning July 1, 2011, and each succeeding
6 fiscal year, not more than five percent of the
7 amount of preschool foundation aid passed through
8 to a community-based provider may be used by the
9 community-based provider for administrative costs.

10 Sec. 15. Section 257.35, subsection 7, Code
11 Supplement 2011, is amended to read as follows:

12 7. Notwithstanding subsection 1, and in addition
13 to the reduction applicable pursuant to subsection
14 2, the state aid for area education agencies and the
15 portion of the combined district cost calculated for
16 these agencies for the fiscal year beginning July 1,
17 2012, and ending June 30, 2013, shall be reduced by
18 the department of management by ~~ten~~ fifteen million
19 dollars. The reduction for each area education agency
20 shall be prorated based on the reduction that the
21 agency received in the fiscal year beginning July 1,
22 2003.

23 Sec. 16. Section 261.93, Code 2011, is amended to

24 read as follows:

25 261.93 Program established — who qualified.

26 1. An Iowa grant program is established.

27 2. a. A grant may be awarded to a resident of
28 Iowa who is admitted and in attendance as a full-time
29 or part-time resident student at an accredited higher
30 education institution and who establishes financial
31 need.

32 b. Top priority in awarding program grants shall
33 be given to a qualified student who is a resident of
34 Iowa; is under the age of twenty-six, or the age of
35 thirty if the student is a veteran who is eligible for
36 benefits, or has exhausted the benefits, under the
37 federal Post-9/11 Veterans Educational Assistance Act
38 of 2008; is not a convicted felon as defined in section
39 910.15; and who meets any of the following criteria:

40 (1) Is the child of a peace officer, as defined
41 in section 97A.1, who is totally and permanently
42 disabled and who receives benefits under section
43 97A.6, subsection 5, or was killed in the line of duty
44 as determined by the board of trustees of the Iowa
45 department of public safety peace officers' retirement,
46 accident, and disability system in accordance with
47 section 97A.6, subsection 16.

48 (2) Is the child of a police officer or a fire
49 fighter, as defined in section 411.1, who is totally
50 and permanently disabled and who receives benefits

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1 under section 411.6, subsection 5, or was killed in the
2 line of duty as determined by the statewide fire and
3 police retirement system in accordance with section
4 411.6, subsection 15.

5 (3) Is the child of a sheriff or deputy sheriff
6 as defined in section 97B.49C, who is totally and
7 permanently disabled and who receives an in-service
8 disability retirement allowance under section 97B.50A,
9 subsection 2, or was killed in the line of duty as
10 determined by the Iowa public employees' retirement
11 system in accordance with section 97B.52, subsection 2.

12 3. Grants awarded shall be distributed to the
13 appropriate accredited higher education institution for
14 payment of educational expenses, including tuition,
15 room, board, and mandatory fees, with any balance to
16 be distributed to the student for whom the grant is
17 awarded.

18 Sec. 17. Section 261.93A, Code 2011, is amended to
19 read as follows:

20 261.93A Appropriation — percentages.

21 1. Of the funds appropriated to the college student
22 aid commission to be allocated for the Iowa grant

23 program for each fiscal year, ~~thirty-seven moneys shall~~
 24 be distributed for grants awarded to qualified students
 25 who meet the criteria established pursuant to section
 26 261.93, subsection 2, and the funds remaining shall be
 27 distributed as follows:

28 a. Thirty-seven and six-tenths percent shall be
 29 reserved for students attending regents institutions;
 30 ~~twenty-five.~~

31 b. Twenty-five and nine-tenths percent shall be
 32 reserved for students attending community colleges, ~~and~~
 33 ~~thirty-six.~~

34 c. Thirty-six and five-tenths percent shall be
 35 reserved for students attending private colleges and
 36 universities.

37 2. Funds appropriated for the Iowa grant program
 38 shall be used to supplement, not supplant, funds
 39 appropriated for other existing programs at the
 40 eligible institutions.

41 Sec. 18. Section 261.95, subsection 1, Code 2011,
 42 is amended to read as follows:

43 1. The amount of a grant to a qualified full-time
 44 student for an academic year shall be ~~the~~ as follows:

45 a. For a student who qualifies under section
 46 261.93, subsection 2, paragraph "a", the lesser of the
 47 student's financial need for that period or up to one
 48 thousand dollars.

49 b. For a student who qualifies under section
 50 261.93, subsection 2, paragraph "b", the lesser of

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1 the student's financial need for that period or not
 2 more than the resident tuition rate established for
 3 institutions of higher learning under the control of
 4 the state board of regents.

5 Sec. 19. Section 262.34, subsection 1, Code 2011,
 6 is amended to read as follows:

7 1. When the estimated cost of construction,
 8 repairs, or improvement of buildings or grounds under
 9 charge of the state board of regents exceeds one
 10 hundred thousand dollars, the board shall advertise for
 11 bids for the contemplated improvement or construction
 12 and shall let the work to the lowest responsible
 13 bidder. However, if in the judgment of the board bids
 14 received are not acceptable, the board may reject all
 15 bids and proceed with the construction, repair, or
 16 improvement by a method as the board may determine.
 17 All ~~plans and specifications~~ bid documents for repairs
 18 or construction, together with bids on the ~~plans or~~
 19 ~~specifications~~ bid documents, shall be filed by the
 20 board and be open for public inspection. All bids
 21 submitted under this section shall be accompanied by a

22 deposit of money, a certified check, or a credit union
 23 certified share draft in an amount as the board may
 24 prescribe.

25 Sec. 20. Section 321.20B, subsection 6, Code 2011,
 26 is amended to read as follows:

27 6. This section does not apply to a ~~snowmobile or~~
 28 ~~all terrain vehicle or to a~~ motor vehicle identified in
 29 section 321.18, ~~subsections 1 through 6, and~~ subsection
 30 1, 2, 3, 4, 5, 6, or 8.

31 Sec. 21. NEW SECTION. 327F.21 Railroad worker
 32 walkways.

33 The state department of transportation shall adopt
 34 rules requiring the provision of safe walkways for
 35 railroad workers in areas where work is regularly
 36 performed on the ground.

37 Sec. 22. Section 418.4, subsection 3, paragraph b,
 38 as enacted by 2012 Iowa Acts, Senate File 2217, section
 39 5, is amended to read as follows:

40 b. For projects proposing to use sales tax
 41 increment revenues or approved by the board to use
 42 sales tax increment revenues, the project, or an
 43 earlier phase of the project, has been approved to
 44 receive financial assistance in an amount equal to
 45 at least twenty percent of the total project cost or
 46 thirty million dollars, whichever is less, under a
 47 financial assistance program administered by the United
 48 States environmental protection agency, the federal
 49 Water Resources Development Act, the federal Clean
 50 Water Act as defined in section 455B.291, or other

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1 federal program providing assistance specifically for
 2 hazard mitigation.

3 Sec. 23. Section 422.11D, subsection 2, Code 2011,
 4 is amended to read as follows:

5 2. An individual may claim a historic preservation
 6 and cultural and entertainment district tax credit
 7 allowed a partnership, limited liability company, S
 8 corporation, estate, or trust electing to have the
 9 income taxed directly to the individual. The For
 10 projects beginning before July 1, 2012, the amount
 11 claimed by the individual shall be based upon the
 12 pro rata share of the individual's earnings of a
 13 partnership, limited liability company, S corporation,
 14 estate, or trust except when low-income housing tax
 15 credits authorized under section 42 of the Internal
 16 Revenue Code are used to assist in the financing
 17 of the housing development in which case the amount
 18 claimed by a partner if the business is a partnership,
 19 a shareholder if the business is an S corporation,
 20 or a member if the business is a limited liability

21 company shall be based on the amounts designated by
22 the eligible partnership, S corporation, or limited
23 liability company. For projects beginning on or
24 after July 1, 2012, the amount claimed by a partner
25 if the business is a partnership, a shareholder if
26 the business is an S corporation, or a member if the
27 business is a limited liability company shall be based
28 on the amounts designated by the eligible partnership,
29 S corporation, or limited liability company.

30 Sec. 24. Section 507.14, subsection 4, Code 2011,
31 is amended to read as follows:

32 4. Confidential documents, materials, information,
33 administrative or judicial orders, or other actions may
34 be disclosed to a regulatory official of any state,
35 federal agency, or foreign country provided that the
36 recipients are required, under their law, to maintain
37 their confidentiality. Confidential records may be
38 disclosed to the national association of insurance
39 commissioners, the international association of
40 insurance supervisors, and the bank for international
41 settlements provided that the ~~association certifies~~
42 ~~associations and bank certify~~ by written statement that
43 the confidentiality of the records will be maintained.

44 Sec. 25. NEW SECTION. 514C.29 Services provided by
45 a doctor of chiropractic.

46 1. Notwithstanding the uniformity of treatment
47 requirements of section 514C.6, a policy, contract, or
48 plan providing for third-party payment or prepayment of
49 health or medical expenses shall not impose a copayment
50 or coinsurance amount on an insured for services

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1 provided by a doctor of chiropractic licensed pursuant
2 to chapter 151 that is greater than the copayment
3 or coinsurance amount imposed on the insured for
4 services provided by a person engaged in the practice
5 of medicine and surgery or osteopathic medicine and
6 surgery under chapter 148 for the same or a similar
7 diagnosed condition even if a different nomenclature is
8 used to describe the condition for which the services
9 are provided.

10 2. This section applies to the following classes
11 of third-party payment provider policies, contracts,
12 or plans delivered, issued for delivery, continued, or
13 renewed in this state on or after July 1, 2012:

14 a. Individual or group accident and sickness
15 insurance providing coverage on an expense-incurred
16 basis.

17 b. An individual or group hospital or medical
18 service contract issued pursuant to chapter 509, 514,
19 or 514A.

20 c. An individual or group health maintenance
21 organization contract regulated under chapter 514B.

22 d. A plan established pursuant to chapter 509A for
23 public employees.

24 e. An organized delivery system licensed by the
25 director of public health.

26 3. This section shall not apply to accident-only,
27 specified disease, short-term hospital or medical,
28 hospital confinement indemnity, credit, dental, vision,
29 Medicare supplement, long-term care, basic hospital
30 and medical-surgical expense coverage as defined
31 by the commissioner, disability income insurance
32 coverage, coverage issued as a supplement to liability
33 insurance, workers' compensation or similar insurance,
34 or automobile medical payment insurance.

35 Sec. 26. REPEAL. 2012 Iowa Acts, House File 2168,
36 section 5, is repealed.

37 Sec. 27. HOUSING ENTERPRISE ZONE TAX CREDIT
38 ISSUANCE.

39 1. Notwithstanding section 15E.193B, subsection 4,
40 the authority may issue a tax credit to an eligible
41 housing business for a project not completed within two
42 years from the time the business began construction if
43 a city failed to file the appropriate paperwork with
44 the authority requesting an extension for the project
45 pursuant to section 15E.193B, subsection 4.

46 2. The authorization described in subsection 1 only
47 applies to projects for which a city failed to file
48 an extension between January 1, 2007, and January 1,
49 2008, and only to benefits earned for a project between
50 February 8, 2005, and February 8, 2008.

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1 Sec. 28. CODE EDITOR DIRECTIVE. Sections 572.1,
2 572.8, 572.10, 572.13, 572.18, 572.22, and 572.24, Code
3 and Code Supplement 2011, as amended by 2012 Iowa Acts,
4 House File 675, sections 2, 4, 6, 8, 15, 16, and 18, if
5 enacted, are amended as follows:

6 1. By striking from the sections the words "state
7 construction registry" and inserting in lieu thereof
8 the words "mechanics' notice and lien registry".

9 Sec. 29. CODE EDITOR DIRECTIVE. Sections 572.13A,
10 572.13B, and 572.34, if enacted by 2012 Iowa Acts,
11 House File 675, sections 9, 10, and 25, are amended as
12 follows:

13 1. By striking from the sections the words "state
14 construction registry" and inserting in lieu thereof
15 the words "mechanics' notice and lien registry".

16 Sec. 30. EFFECTIVE UPON ENACTMENT. The following
17 provision or provisions of this division of this Act,
18 being deemed of immediate importance, take effect upon

19 enactment:

20 1. The section of this division of this Act
21 enacting section 15E.71.

22 2. The section of this division of this Act
23 enacting section 256C.4, subsection 1, paragraphs “g”
24 and “h”.

25 3. The section of this division of this Act
26 amending section 418.4, subsection 3, paragraph “b”, as
27 enacted by 2012 Iowa Acts, Senate File 2217, section 5.

28 4. The section of this division of this Act
29 amending 2010 Iowa Acts, chapter 1193, section 29,
30 subsection 2, as enacted by 2011 Iowa Acts, chapter
31 127, section 54.

32 5. The section of this division of this Act
33 amending 2007 Iowa Acts, chapter 219, section 2,
34 subsection 2, paragraph a, as enacted by 2011 Iowa
35 Acts, chapter 133, section 32.

36 Sec. 31. EFFECTIVE DATE. The sections of this
37 division of this Act amending sections 572.1, 572.8,
38 572.10, 572.13, 572.13A, 572.13B, 572.18, 572.22,
39 572.24, and 572.34, take effect January 1, 2013.

40 Sec. 32. RETROACTIVE APPLICABILITY. The following
41 provision or provisions of this division of this Act
42 apply retroactively to April 19, 2012:

43 1. The section of this division of this Act
44 amending section 418.4, subsection 3, paragraph “b”, as
45 enacted by 2012 Iowa Acts, Senate File 2217, section 5.

46 DIVISION III

47 CORRECTIVE PROVISIONS

48 Sec. 33. Section 9B.2, subsection 10, paragraph a,
49 if enacted by 2012 Iowa Acts, Senate File 2265, section
50 2, is amended to read as follows:

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1 a. “Personal appearance” means an act of a party
2 to physically appear within the presence of a ~~notary~~
3 ~~public notarial officer~~ at the time the ~~notarization~~
4 ~~occurs~~ notarial act is performed.

5 Sec. 34. Section 105.2, subsection 8, Code
6 Supplement 2011, as amended by 2012 Iowa Acts, House
7 File 2285, section 1, if enacted, is amended to read
8 as follows:

9 8. “Hydronic” means a heating or cooling system
10 that transfers heating or cooling by circulating fluid
11 through a closed system, including boilers, pressure
12 vessels, refrigerated equipment in connection with
13 chilled water systems, all steam piping, hot or chilled
14 water piping together with all control devices and
15 accessories, installed as part of, or in connection
16 with, any heating or cooling system or appliance whose
17 primary purpose is to provide comfort using a liquid,

18 water, or steam as the heating or cooling media.
19 “Hydronic” includes all low-pressure and high-pressure
20 systems and all natural, propane, liquid propane, or
21 other gas lines associated with any component of a
22 hydronic system. For purposes of this definition,
23 “primary purpose is to provide comfort” means a system
24 or appliance in which at least fifty-one percent of
25 the capacity generated by its operation, on an annual
26 average, is dedicated to comfort heating or cooling.

27 Sec. 35. Section 135.156E, subsection 1, paragraph
28 b, if enacted by 2012 Iowa Acts, Senate File 2318,
29 section 14, is amended to read as follows:

30 b. Require authentication controls to verify the
31 ~~identify~~ identity and role of the participant using the
32 Iowa health information network.

33 Sec. 36. Section 135C.6, subsection 8, paragraphs a
34 and b, Code 2011, as amended by 2012 Iowa Acts, Senate
35 File 2247, section 15, are amended to read as follows:

36 a. Residential programs providing care to not more
37 than four individuals and receiving moneys appropriated
38 to the department of human services under provisions of
39 a federally approved home and community-based services
40 waiver for persons with an intellectual ~~disabilities~~
41 disability or other medical assistance program under
42 chapter 249A. In approving a residential program under
43 this paragraph, the department of human services shall
44 consider the geographic location of the program so as
45 to avoid an overconcentration of such programs in an
46 area. In order to be approved under this paragraph, a
47 residential program shall not be required to involve
48 the conversion of a licensed residential care facility
49 for persons with an intellectual disability.

50 b. Not more than forty residential care facilities

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1 for persons with an intellectual disability that are
2 licensed to serve not more than five individuals may
3 be authorized by the department of human services
4 to convert to operation as a residential program
5 under the provisions of a medical assistance home and
6 community-based services waiver for persons with an
7 intellectual ~~disabilities~~ disability. A converted
8 residential program operating under this paragraph
9 is subject to the conditions stated in paragraph “a”
10 except that the program shall not serve more than five
11 individuals.

12 Sec. 37. Section 144D.3, subsection 4, as enacted
13 by 2012 Iowa Acts, House File 2165, section 4, is
14 amended to read as follows:

15 4. In the absence of actual notice of the
16 revocation of a POST form, a health care provider,

17 hospital, health care facility, or any other person who
18 complies with a POST form shall not be subject to civil
19 or criminal liability or professional disciplinary
20 action for actions taken under this chapter which are
21 in accordance with reasonable medical standards. A
22 health care provider, hospital, health care facility,
23 or other person against whom criminal or civil
24 liability or professional disciplinary action is
25 asserted because of conduct in compliance with this
26 chapter may interpose the restriction on liability in
27 this ~~paragraph~~ subsection as an absolute defense.

28 Sec. 38. Section 152B.2, subsection 1, paragraph
29 a, subparagraph (2), Code 2011, as amended by 2012
30 Iowa Acts, Senate File 2248, section 2, if enacted, is
31 amended to read as follows:

32 (2) Direct and indirect respiratory care services
33 including but not limited to the administration of
34 pharmacological and diagnostic and therapeutic agents
35 related to respiratory care procedures necessary to
36 implement a treatment, disease prevention, pulmonary
37 rehabilitative, or diagnostic regimen prescribed by a
38 licensed physician, or surgeon, or a qualified health
39 care professional prescriber.

40 Sec. 39. Section 152B.3, subsection 1, unnumbered
41 paragraph 1, Code 2011, as amended by 2012 Iowa Acts,
42 Senate File 2248, section 5, if enacted, is amended to
43 read as follows:

44 The performance of respiratory care shall be
45 in accordance with the prescription of a licensed
46 physician, or surgeon, or a qualified health care
47 professional prescriber and includes but is not limited
48 to the diagnostic and therapeutic use of the following:

49 Sec. 40. Section 152B.3, subsection 2, Code 2011,
50 as amended by 2012 Iowa Acts, Senate File 2248, section

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1 6, if enacted, is amended to read as follows:

2 2. A respiratory care practitioner may transcribe
3 and implement a written or verbal order from a licensed
4 physician, or surgeon, or a qualified health care
5 professional prescriber pertaining to the practice of
6 respiratory care.

7 Sec. 41. Section 152B.4, Code 2011, as amended
8 by 2012 Iowa Acts, Senate File 2248, section 7, if
9 enacted, is amended to read as follows:

10 152B.4 Location of respiratory care.

11 The practice of respiratory care may be performed
12 in a hospital as defined in section 135B.1, subsection
13 3, and other settings where respiratory care is to
14 be provided in accordance with a prescription of a
15 licensed physician, or surgeon, or a qualified health

16 care professional prescriber. Respiratory care may
 17 be provided during transportation of a patient and
 18 under circumstances where an emergency necessitates
 19 respiratory care.

20 Sec. 42. Section 161A.63, Code 2011, as amended
 21 by 2012 Iowa Acts, Senate File 2311, section 16, if
 22 enacted, is amended to read as follows:

23 161A.63 Right of purchaser of agricultural land to
 24 obtain information.

25 A prospective purchaser of an interest in
 26 agricultural land located in this state is entitled
 27 to obtain from the seller, or from the office of the
 28 soil and water conservation district in which the land
 29 is located, a copy of the most recently updated farm
 30 unit soil conservation plan, developed pursuant to
 31 section 161A.62, subsection 2, which ~~are~~ is applicable
 32 to the agricultural land proposed to be purchased. A
 33 prospective purchaser of an interest in agricultural
 34 land located in this state is entitled to obtain
 35 additional copies of ~~either or both~~ of either or both of the ~~documents~~
 36 document referred to in this section from the office of
 37 the soil and water conservation district in which the
 38 land is located, promptly upon request, at a fee not to
 39 exceed the cost of reproducing them. All persons who
 40 identify themselves to the commissioners or staff of
 41 a soil and water conservation district as prospective
 42 purchasers of agricultural land in the district shall
 43 be given information, prepared in accordance with
 44 rules of the department, which clearly explains the
 45 provisions of section 161A.76.

46 Sec. 43. Section 203C.14, Code 2011, as amended
 47 by 2012 Iowa Acts, Senate File 2311, section 107, if
 48 enacted, is amended to read as follows:

49 203C.14 Suit — claims — notice of revocation.

50 1. A person injured by the breach of an obligation

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1 of a warehouse operator, for the performance of which a
 2 bond on agricultural products other than bulk grain, a
 3 deficiency bond, or an irrevocable letter of credit has
 4 been given under any of the provisions of this chapter,
 5 may sue on the bond on agricultural products other than
 6 bulk grain, deficiency bond, or irrevocable letter of
 7 credit in the person's own name in a court of competent
 8 jurisdiction to recover any damages the person has
 9 sustained by reason of the breach.

10 2. a. Upon the cessation of a warehouse operator's
 11 license due to revocation, cancellation, or expiration,
 12 a claim against the warehouse operator arising
 13 under this chapter shall be made in writing with
 14 the warehouse operator, with the issuer of a bond

15 on agricultural products other than bulk grain, a
 16 deficiency bond, or an irrevocable letter of credit,
 17 and, if the claim relates to bulk grain, with the
 18 department. The claim must be made within one hundred
 19 twenty days after the cessation of the license. The
 20 failure to make a timely claim relieves the issuer
 21 and, if the claim relates to bulk grain, the grain
 22 depositors and sellers indemnity fund provided in
 23 chapter 203D of all obligations to the claimant.

24 ~~a.~~ b. Upon revocation of a warehouse license, the
 25 department shall cause notice of the revocation to be
 26 published once each week for two consecutive weeks
 27 in a newspaper of general circulation in each of the
 28 counties in which the licensee maintains a business
 29 location and in a newspaper of general circulation
 30 within the state. The notice shall state the name and
 31 address of the warehouse operator and the effective
 32 date of revocation. The notice shall also state that
 33 any claims against the warehouse operator shall be made
 34 in writing and sent by ordinary mail to the warehouse
 35 operator, to the issuer of a bond on agricultural
 36 products other than bulk grain, deficiency bond, or an
 37 irrevocable letter of credit, and to the department
 38 within one hundred twenty days after revocation, and
 39 the notice shall state that the failure to make a
 40 timely claim does not relieve the warehouse operator
 41 from liability to the claimant.

42 c. ~~This paragraph subsection~~ does not apply if
 43 a receiver is appointed as provided in this chapter
 44 pursuant to a petition which is filed by the department
 45 prior to the expiration of one hundred twenty days
 46 after ~~revocation, termination, or cancellation~~
 47 cessation of warehouse operator's license.

48 Sec. 44. Section 249A.12, subsection 5, paragraph
 49 a, unnumbered paragraph 1, Code 2011, as amended by
 50 2012 Iowa Acts, Senate File 2247, section 101, is

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1 amended to read as follows:
 2 The mental health and disability services commission
 3 shall recommend to the department the actions necessary
 4 to assist in the transition of individuals being served
 5 in an intermediate care facility for persons with
 6 an intellectual disability, who are appropriate for
 7 the transition, to services funded under a medical
 8 assistance home and community-based services waiver
 9 for persons with an intellectual disability in a
 10 manner which maximizes the use of existing public and
 11 private facilities. The actions may include but are
 12 not limited to submitting any of the following or
 13 a combination of any of the following as a request

14 for a revision of the medical assistance home and
15 community-based services waiver for persons with an
16 intellectual ~~disabilities~~ disability:

17 Sec. 45. Section 261.115, subsection 3, paragraphs
18 c and d, if enacted by 2012 Iowa Acts, House File 2458,
19 section 1, are amended to read as follows:

20 c. Complete ~~their~~ the residency program requirement
21 with an Iowa-based residency program.

22 d. Within nine months of graduating from ~~their~~ the
23 residency program and receiving a permanent license in
24 accordance with paragraph “b”, engage in the full-time
25 practice of medicine and surgery or osteopathic
26 medicine and surgery specializing in family medicine,
27 pediatrics, psychiatry, internal medicine, or general
28 surgery for a period of sixty consecutive months in the
29 service commitment area specified under subsection 6,
30 unless the loan repayment recipient receives a waiver
31 from the commission to complete the months of practice
32 required under the agreement in another service
33 commitment area pursuant to subsection 6.

34 Sec. 46. Section 261.115, subsection 8, if enacted
35 by 2012 Iowa Acts, House File 2458, section 1, is
36 amended to read as follows:

37 8. Part-time practice — agreement amended. A
38 person who entered into an agreement pursuant to
39 subsection 3 may apply to the commission to amend the
40 agreement to allow the person to engage in less than
41 the full-time practice specified in the agreement and
42 under subsection 3, paragraph “d”. If the commission
43 determines exceptional circumstances exist, the
44 commission and the person may consent to amend the
45 agreement under which the person shall engage in less
46 than full-time practice of medicine and surgery or
47 osteopathic medicine and surgery specializing in family
48 medicine, pediatrics, psychiatry, internal medicine,
49 or general surgery in a service commitment area for
50 an extended period of part-time practice determined

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1 by the commission to be proportional to the amount
2 of full-time practice remaining under the original
3 agreement.

4 Sec. 47. Section 261.115, subsection 9, paragraph
5 b, if enacted by 2012 Iowa Acts, House File 2458,
6 section 1, is amended to read as follows:

7 b. Except for a postponement under paragraph “a”,
8 subparagraph (6), an obligation to engage in practice
9 under an agreement entered into pursuant to subsection
10 3, shall not be postponed for more than two years from
11 the time the full-time practice was to have commenced
12 under the agreement.

13 Sec. 48. Section 273.2, subsection 3, Code
14 Supplement 2011, as amended by 2012 Iowa Acts, Senate
15 File 2203, section 38, if enacted, is amended to read
16 as follows:

17 3. The area education agency board shall furnish
18 educational services and programs as provided in
19 ~~sections~~ section 273.1, this section, sections 273.3
20 to 273.9, and chapter 256B to the pupils enrolled
21 in public or nonpublic schools located within its
22 boundaries which are on the list of accredited schools
23 pursuant to section 256.11. The programs and services
24 provided shall be at least commensurate with programs
25 and services existing on July 1, 1974. The programs
26 and services provided to pupils enrolled in nonpublic
27 schools shall be comparable to programs and services
28 provided to pupils enrolled in public schools within
29 constitutional guidelines.

30 Sec. 49. Section 321.188, subsection 6, paragraph
31 c, if enacted by 2012 Iowa Acts, House File 2403,
32 section 1, is amended to read as follows:

33 c. An applicant who obtains a skills test waiver
34 under this subsection shall take and successfully pass
35 the knowledge test required pursuant to subsection 2 1.

36 Sec. 50. Section 321.323A, subsection 3, paragraph
37 c, subparagraph (1), if enacted by 2012 Iowa Acts,
38 House File 2228, section 3, is amended to read as
39 follows:

40 (1) For a violation causing damage to the property
41 of another person, but not resulting in bodily injury
42 to or death of ~~to~~ another person, the department shall
43 suspend the violator's driver's license or operating
44 privileges for ninety days.

45 Sec. 51. Section 321.457, subsection 2, paragraph
46 n, subparagraph (4), if enacted by 2012 Iowa Acts,
47 House File 2428, section 1, is amended to read as
48 follows:

49 (4) For purposes of this paragraph "n", "full
50 trailer" means as defined in 49 C.F.R. § ~~390~~ 390.5.

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1 Sec. 52. Section 321I.7, subsection 3, Code 2011,
2 as amended by 2012 Iowa Acts, House File 2467, section
3 39, is amended to read as follows:

4 3. Duplicate registrations may be issued by a
5 county recorder or a license agent ~~and upon~~ upon the payment
6 of a five dollar fee plus a writing fee as provided in
7 section 321I.29.

8 Sec. 53. Section 322.5, subsection 6, paragraph b,
9 subparagraph (2), if enacted by 2012 Iowa Acts, Senate
10 File 2249, section 4, is amended to read as follows:

11 (2) The state in which the person is licensed as

12 a motor vehicle dealer allows a motor vehicle dealer
 13 licensed in Iowa to be issued a permit substantially
 14 similar to the temporary permit authorized under this
 15 ~~section subsection.~~

16 Sec. 54. Section 326.3, subsection 19, if enacted
 17 by 2012 Iowa Acts, Senate File 2216, section 18, is
 18 amended to read as follows:

19 19. "Operational records" means source documents
 20 that evidence distance traveled by a fleet in each
 21 member jurisdiction, such as ~~fuel fuel~~ reports, trip
 22 sheets, and driver logs, including those which may
 23 be generated through on-board devices and maintained
 24 electronically, as required by the audit procedures
 25 manual.

26 Sec. 55. Section 418.4, subsection 1, paragraph b,
 27 if enacted by 2012 Iowa Acts, Senate File 2217, section
 28 5, is amended to read as follows:

29 b. A governmental entity as defined in section
 30 418.1, subsection 4, paragraph "c", shall have the
 31 power to construct, acquire, own, repair, improve,
 32 operate, and maintain a project, may sue and be sued,
 33 contract, and acquire and hold real and personal
 34 property, subject to the limitation in paragraph "c",
 35 and shall have such other powers as may be included in
 36 the chapter 28E agreement. Such a governmental entity
 37 may contract with a city or the county participating in
 38 the chapter 28E agreement to perform any governmental
 39 service, activity, or undertaking that the city or
 40 county is authorized by law to perform, including but
 41 not limited to contracts for administrative services.

42 Sec. 56. Section 418.5, subsection 7, if enacted by
 43 2012 Iowa Acts, Senate File 2217, section 6, is amended
 44 to read as follows:

45 7. A majority of the ~~board~~ voting members
 46 constitutes a quorum.

47 Sec. 57. Section 418.9, subsection 2, paragraph g,
 48 if enacted by 2012 Iowa Acts, Senate File 2217, section
 49 10, is amended to read as follows:

50 g. Whether the project plan is consistent with

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1 the applicable comprehensive, ~~countywide~~ emergency
 2 ~~operations~~ plan in effect and other applicable local
 3 hazard mitigation plans.

4 Sec. 58. Section 504.719, subsection 3, as enacted
 5 by 2012 Iowa Acts, Senate File 2260, section 8, is
 6 amended to read as follows:

7 3. An inspector may, but is not required to, be a
 8 director, ~~member of a designated body~~, member, officer,
 9 or employee of the corporation. A person who is a
 10 candidate for an office to be filled at the meeting

11 shall not be an inspector at that meeting.

12 Sec. 59. Section 508.37, subsection 5, paragraph c,
13 Code 2011, as amended by 2012 Iowa Acts, Senate File
14 2203, section 105, if enacted, is amended to read as
15 follows:

16 c. The adjusted premiums for a policy providing
17 term insurance benefits by rider or supplemental policy
18 provision shall be equal to (1) the adjusted premiums
19 for an otherwise similar policy issued at the same age
20 without such term insurance benefits, increased during
21 the period for which premiums for such term insurance
22 benefits are payable, by (2) the adjusted premiums
23 for such term insurance, the foregoing items (1) and
24 (2) being calculated separately and as specified in
25 paragraphs “a” and “b” of this subsection except that,
26 for the purposes of ~~of~~ paragraph “a”, subparagraph
27 (1), subparagraph divisions (b), (c), and (d), the
28 amount of insurance or equivalent uniform amount of
29 insurance used in the calculation of the adjusted
30 premiums referred to in item (2) in this paragraph
31 shall be equal to the excess of the corresponding
32 amount determined for the entire policy over the amount
33 used in the calculation of the adjusted premiums in
34 item (1) in this paragraph.

35 Sec. 60. Section 515I.1, subsection 2, if enacted
36 by 2012 Iowa Acts, House File 2145, section 1, is
37 amended to read as follows:

38 2. This ~~division~~ ~~chapter~~ shall be liberally
39 construed to promote these purposes.

40 Sec. 61. Section 536A.10, Code 2011, as amended
41 by 2012 Iowa Acts, Senate File 2203, section 139, if
42 enacted, is amended to read as follows:

43 536A.10 Issuance of license.

44 1. ~~¶~~ The superintendent shall approve the
45 application and issue to the applicant a license
46 to engage in the industrial loan business in
47 accordance with the provisions of this chapter, if the
48 superintendent shall find:

49 a. That the financial responsibility, experience,
50 character and general fitness of the applicant and

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1 of the officers thereof are such as to command the
2 confidence of the community, and to warrant the belief
3 that the business will be operated honestly, fairly and
4 efficiently within the purpose of this chapter;

5 b. That a reasonable necessity exists for a new
6 industrial loan company in the community to be served;

7 c. That the applicant has available for the
8 operation of the business at the specified location
9 paid-in capital and surplus as required by section

10 536A.8; and

11 d. That the applicant is a corporation organized
12 for pecuniary profit under the laws of the state of
13 Iowa.

14 ~~2. The superintendent shall approve the application~~
15 ~~and issue to the applicant a license to engage in~~
16 ~~the industrial loan business in accordance with the~~
17 ~~provisions of this chapter.~~ The superintendent shall
18 approve or deny an application for a license within one
19 hundred twenty days from the date of the filing of such
20 application.

21 Sec. 62. Section 602.9202, subsection 4, Code 2011,
22 as amended by 2012 Iowa Acts, Senate File 2285, section
23 106, is amended to read as follows:

24 4. "Senior judge retirement age" means seventy-eight
25 years of age or, if the senior judge is reappointed as
26 a senior judge for an additional one-year term upon
27 attaining seventy-eight years of age, and then to a
28 succeeding one-year term, pursuant to section 602.9203,
29 eighty years of age.

30 Sec. 63. Section 617.11, subsection 3, unnumbered
31 paragraph 1, if enacted by 2012 Iowa Acts, House File
32 2370, section 1, is amended to read as follows:

33 If a claim of interest against the property is
34 acquired prior to the indexing of a petition or
35 municipal infraction citation affecting real estate
36 and filed by a city and such claim is not indexed or
37 filed of record prior to the indexing of the petition
38 or citation, it is subject to the pending action
39 as provided in subsection 1, unless either of the
40 following occurs:

41 Sec. 64. EFFECTIVE DATE. The section of this
42 division of this Act amending section 9B.2, subsection
43 10, paragraph a, takes effect January 1, 2013.

44 Sec. 65. EFFECTIVE UPON ENACTMENT. The section
45 of this division of this Act amending section 105.2,
46 subsection 8, being deemed of immediate importance,
47 takes effect upon enactment.

48 Sec. 66. RETROACTIVE APPLICABILITY. The section
49 of this division of this Act amending section 105.2,
50 subsection 8, applies retroactively to the effective

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1 date of 2012 Iowa Acts, House File 2285.

2 Sec. 67. EFFECTIVE UPON ENACTMENT. The section of
3 this division of this Act amending section 135.156E,
4 subsection 1, paragraph b, being deemed of immediate
5 importance, takes effect upon enactment.

6 Sec. 68. RETROACTIVE APPLICABILITY. The section of
7 this division of this Act amending section 135.156E,
8 subsection 1, paragraph b, applies retroactively to the

9 effective date of 2012 Iowa Acts, Senate File 2318.
10 Sec. 69. EFFECTIVE UPON ENACTMENT. The section
11 of this division of this Act amending section 322.5,
12 subsection 6, paragraph "b", subparagraph (2), being
13 deemed of immediate importance, takes effect upon
14 enactment.

15 Sec. 70. RETROACTIVE APPLICABILITY. The section
16 of this division of this Act amending section 322.5,
17 subsection 6, paragraph "b", subparagraph (2), applies
18 retroactively to the effective date of 2012 Iowa Acts,
19 Senate File 2249.

20 Sec. 71. EFFECTIVE UPON ENACTMENT. The sections
21 of this division of this Act amending section 418.4,
22 subsection 1, paragraph b, section 418.5, subsection
23 7, and section 418.9, subsection 2, paragraph g,
24 being deemed of immediate importance, take effect upon
25 enactment.

26 Sec. 72. RETROACTIVE APPLICABILITY. The sections
27 of this division of this Act amending section 418.4,
28 subsection 1, paragraph b, section 418.5, subsection
29 7, and section 418.9, subsection 2, paragraph g, apply
30 retroactively to the effective date of 2012 Iowa Acts,
31 Senate File 2217.

32 Sec. 73. EFFECTIVE UPON ENACTMENT. The section
33 of this division of this Act amending section 515I.1,
34 subsection 2, being deemed of immediate importance,
35 takes effect upon enactment.

36 Sec. 74. RETROACTIVE APPLICABILITY. The section
37 of this division of this Act amending section 515I.1,
38 subsection 2, applies retroactively to the effective
39 date of 2012 Iowa Acts, House File 2145.

40 DIVISION IV

41 CARRY FORWARD APPROPRIATIONS

42 Sec. 75. IOWA STATE MEMORIAL — RESTORATION. There
43 is appropriated from the general fund of the state to
44 the department of cultural affairs for the fiscal year
45 beginning July 1, 2011, and ending June 30, 2012, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated:

48 For the preservation and restoration of the Iowa
49 state memorial at Vicksburg national military park:
50 \$ 320,000

1 Notwithstanding section 8.33, moneys appropriated in
2 this section that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the fiscal year that
6 begins July 1, 2013.

7 Sec. 76. MALCOLM PRICE LABORATORY SCHOOL.

8 1. INTERIM STUDY.

9 a. The legislative council is requested to
10 establish an interim study committee for the 2012
11 legislative interim to study the method of education
12 and training persons who are attending an institution
13 under the control of the board of regents with the
14 intent to become a prekindergarten through grade twelve
15 school educator. The study shall include but is not
16 limited to:

17 (1) A review and analysis of the educational
18 methods used in a laboratory school, such as the
19 Malcolm Price laboratory school on the campus of
20 the university of northern Iowa, to enhance the
21 preparation, training, and professional competence of
22 the educators in this state.

23 (2) A review and analysis of the education methods,
24 which are alternatives to those applied in a laboratory
25 school, used to enhance the preparation, training, and
26 professional competence of the educators in this state.

27 (3) A comprehensive financial analysis of the costs
28 of the methods presented for review and analysis under
29 this lettered paragraph.

30 (4) Such other matters as the legislative members
31 of the committee determine are in the best interest of
32 the state to enhance the preparation and professional
33 competence of the educators in this state.

34 b. In addition to legislative members, the
35 membership of the interim study committee shall include
36 the following public members:

37 (1) Three persons with expertise in the
38 preparation, training, and professional competence of
39 prekindergarten through grade twelve educators. One
40 member shall be appointed by the board of education.
41 One member shall be appointed by the board of regents.
42 One member shall be appointed by the dean of the
43 department of education at the university of northern
44 Iowa.

45 (2) Three public members appointed by the
46 legislative council including one person who is a
47 graduate of the Malcolm Price laboratory school on the
48 university of northern Iowa campus, one person who is
49 a prekindergarten through grade twelve educator in the
50 Cedar Falls community school district, and one person

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1 who is an administrator of a prekindergarten through
2 grade twelve school in the Cedar Falls community school
3 district.

4 c. The committee shall meet at least twice during
5 the 2012 legislative interim and shall submit findings
6 and any recommendations in a report for consideration

7 during the 2013 session of the general assembly.
 8 2. APPROPRIATION. There is appropriated from
 9 the general fund of the state to the state board of
 10 regents for the fiscal year beginning July 1, 2011, and
 11 ending June 30, 2012, the following amount, or so much
 12 thereof as is necessary, to be used for the purposes
 13 designated:

14 For the Malcolm Price laboratory school at the
 15 university of northern Iowa during the fiscal year
 16 beginning July 1, 2012:
 17 \$ 3,000,000

18 Notwithstanding section 8.33, moneys appropriated in
 19 this subsection that remain unencumbered or unobligated
 20 at the close of the fiscal year shall not revert but
 21 shall remain available for expenditure for the purposes
 22 designated until the close of the succeeding fiscal
 23 year.

24 Sec. 77. DEPARTMENT OF NATURAL RESOURCES —
 25 ECONOMIC EMERGENCY FUND. There is appropriated from
 26 the Iowa economic emergency fund to the department of
 27 natural resources for the fiscal year beginning July 1,
 28 2011, and ending June 30, 2012, the following amount,
 29 or so much thereof as is necessary, to be used for the
 30 purposes designated, notwithstanding section 8.55,
 31 subsection 1:

32 For the repair of damages due to the flooding of the
 33 Missouri river during the calendar year 2011 in the
 34 Lewis and Clark, lake Manawa, and Wilson island state
 35 parks and recreation area:
 36 \$ 2,865,743

37 For purposes of section 8.33, unless specifically
 38 provided otherwise, unencumbered or unobligated
 39 moneys remaining from the appropriation made in this
 40 section shall not revert but shall remain available
 41 for expenditure for the purposes designated until the
 42 close of the fiscal year that ends two years after the
 43 end of the fiscal year for which the appropriation is
 44 made. However, if the project or projects for which
 45 the appropriation was made are completed in an earlier
 46 fiscal year, unencumbered or unobligated moneys shall
 47 revert at the close of that same fiscal year.

48 Sec. 78. STATEWIDE FIRE AND POLICE RETIREMENT
 49 SYSTEM FUND — APPROPRIATION.

50 1. There is appropriated from the general fund

1 of the state for deposit in the statewide fire and
 2 police retirement fund created in section 411.8, for
 3 the fiscal year beginning July 1, 2011, and ending June
 4 30, 2012, the following amount to be credited to the
 5 retirement fund in the succeeding fiscal year:

6 \$ 5,000,000

7 2. Moneys appropriated by the state pursuant to

8 this section shall not be used to reduce the normal

9 rate of contribution of any city below 17 percent.

10 3. Notwithstanding section 8.33, moneys

11 appropriated in this section that remain unencumbered

12 or unobligated at the close of the fiscal year shall

13 not revert but shall remain available for expenditure

14 for the purposes designated until expended.

15 Sec. 79. PUBLIC SAFETY TRAINING AND FACILITIES TASK

16 FORCE.

17 1. a. There is appropriated from the general fund

18 of the state to the department of public safety for the

19 fiscal period beginning July 1, 2011, and ending June

20 30, 2012, the following amount, or so much thereof as

21 is necessary, to be used for the purposes designated:

22 For providing administrative support for the public

23 safety training and facilities task force established

24 by this section:

25 \$ 50,000

26 b. Notwithstanding section 8.33, moneys

27 appropriated in this subsection that remain

28 unencumbered or unobligated at the close of the fiscal

29 year shall not revert but shall remain available for

30 expenditure for the purposes designated until the close

31 of the succeeding fiscal year.

32 2. A public safety training and facilities task

33 force is established. The department of public safety

34 shall provide administrative support for the task

35 force.

36 3. The task force shall consist of the following

37 members:

38 a. One member appointed by the Iowa peace officers

39 association.

40 b. One member appointed by the Iowa state sheriff's

41 and deputies association.

42 c. One member appointed by the Iowa police chiefs

43 association.

44 d. One member who is a fire chief appointed by the

45 Iowa fire chiefs association.

46 e. One member who is a fire chief appointed by the

47 Iowa professional fire chiefs association.

48 f. One member who is the chief of the Iowa fire

49 service training bureau or the chief's designee.

50 g. Two members who are representatives of the fire

1 service appointed by the Iowa firefighters association.

2 h. The administrative head of the homeland security

3 and emergency management division of the department

4 of public defense, or its successor agency, or the

- 5 administrative head's designee.
- 6 i. The adjutant general of the department of public
7 defense or the adjutant general's designee.
- 8 j. The director of the Iowa law enforcement academy
9 or the director's designee.
- 10 k. The commissioner of public safety or the
11 commissioner's designee.
- 12 l. Two members who are appointed by the Iowa
13 professional firefighters.
- 14 m. The state fire marshal or the state fire
15 marshal's designee.
- 16 n. The director of the department of corrections or
17 the director's designee.
- 18 o. One member appointed by the chief of the bureau
19 of emergency medical services of the Iowa department
20 of public health.
- 21 p. One member appointed by the Iowa emergency
22 medical services association.
- 23 q. One member appointed by the Iowa state police
24 association.
- 25 r. One member appointed by the state police
26 officers council who is representing peace officers
27 within the department of public safety.
- 28 s. One member appointed by the state police
29 officers council who is representing employees of the
30 department of natural resources.
- 31 t. One member who is the chief of the law
32 enforcement bureau of the department of natural
33 resources or the chief's designee.
- 34 u. One member appointed by the governor who
35 is a public member who has no personal interest
36 or occupational responsibilities in the area of
37 responsibility given to the task force and represents
38 the interests of the public in general.
- 39 v. One member appointed by the collective
40 bargaining unit that represents the largest number of
41 employees in the department of corrections.
- 42 w. One member appointed by the collective
43 bargaining unit that represents the largest number of
44 jailers and dispatchers in this state.
- 45 x. One member appointed by the Iowa association of
46 community college presidents.
- 47 4. The members of the task force shall select
48 one chairperson and one vice chairperson. The vice
49 chairperson shall preside in the absence of the
50 chairperson. Section 69.16A shall apply to the

1 appointed members of the task force.
 2 5. The task force shall consider and develop
 3 strategies relating to public safety training
 4 facility governance with the goal of all public safety
 5 disciplines being represented. Each public safety
 6 discipline shall advise the task force by developing
 7 individual training policies as determined by the
 8 discipline’s governing bodies. The task force shall
 9 also develop a proposal for a joint public safety
 10 training facility, a budget for construction and future
 11 operation of this facility, and potential locations,
 12 that are centrally located in this state, for the
 13 facility.

14 6. a. The task force shall provide interim reports
 15 to the general assembly by December 31 of each year
 16 concerning the activities of the task force and shall
 17 submit its final report, including its findings and
 18 recommendations, to the general assembly by December
 19 31, 2015.

20 b. The final report shall include but not be
 21 limited to recommendations concerning the following:
 22 (1) Consolidation of public safety governance
 23 within a single board and the membership of the board.

24 (2) Development of a consolidated fire and police
 25 public safety training facility, including possible
 26 locations, building recommendations, and financing
 27 options.

28 (3) Development of sustainable funding alternatives
 29 for public safety training and facilities.

30 (4) Any other recommendations relating to public
 31 safety training and facilities requirements.

32 Sec. 80. WATERSHED IMPROVEMENT FUND —
 33 APPROPRIATION. There is appropriated from the general
 34 fund of the state to the department of agriculture and
 35 land stewardship for the fiscal year beginning July 1,
 36 2011, and ending June 30, 2012, the following amount,
 37 or so much thereof as is necessary, to be used for the
 38 purposes designated:

39 For deposit in the watershed improvement fund
 40 created in section 466A.2:
 41 \$ 5,000,000

42 Notwithstanding section 8.33, moneys appropriated in
 43 this section that remain unencumbered or unobligated
 44 at the close of the fiscal year shall not revert but
 45 shall remain available for expenditure for the purposes
 46 designated until the close of the succeeding fiscal
 47 year.

48 Sec. 81. BIOSCIENCE INITIATIVE — IOWA STATE
 49 UNIVERSITY — APPROPRIATION. There is appropriated
 50 from the general fund of the state to the state board

1 of regents for the fiscal year beginning July 1, 2011,
2 and ending June 30, 2012, the following amount, or
3 so much thereof as is necessary, to be used for the
4 purposes designated:

5 For the bioscience initiative at Iowa state
6 university of science and technology:
7 \$ 5,500,000

8 Notwithstanding section 8.33, moneys appropriated in
9 this section that remain unencumbered or unobligated
10 at the close of the fiscal year shall not revert but
11 shall remain available for expenditure for the purposes
12 designated until expended.

13 Sec. 82. EFFECTIVE UPON ENACTMENT. This division
14 of this Act, being deemed of immediate importance,
15 takes effect upon enactment.

16 DIVISION V
17 DEPARTMENT OF REVENUE

18 Sec. 83. Section 2.48, subsection 3, paragraph c,
19 subparagraph (4), Code 2011, is amended by striking the
20 subparagraph.

21 Sec. 84. Section 2.48, subsection 3, paragraph e,
22 subparagraph (5), Code 2011, is amended by striking the
23 subparagraph.

24 Sec. 85. Section 15.119, subsection 2, paragraph
25 e, Code Supplement 2011, is amended by striking the
26 paragraph.

27 Sec. 86. Section 422.15, subsection 2, Code 2011,
28 is amended to read as follows:

29 2. Every partnership, including limited
30 partnerships organized under chapter 488, ~~having a~~
31 ~~place of business in the state doing business in this~~
32 state or deriving income from sources within this state
33 as defined in section 422.33, subsection 1, shall make
34 a return, stating specifically the net income and
35 capital gains ~~(or losses)~~ or losses reported on the
36 federal partnership return, the names and addresses
37 of the partners, and their respective shares in said
38 amounts.

39 Sec. 87. Section 422.25, subsection 1, paragraph b,
40 Code 2011, is amended to read as follows:

41 b. The period for examination and determination of
42 the correct amount of tax is unlimited in the case of
43 a false or fraudulent return made with the intent to
44 evade tax or in the case of a failure to file a return.
45 In lieu of the period of limitation for any prior year
46 for which an overpayment of tax or an elimination or
47 reduction of an underpayment of tax due for that prior
48 year results from the carryback to that prior year of a
49 net operating loss or net capital loss, the period is
50 the period of limitation for the taxable year of the

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1 net operating loss or net capital loss which results
2 in the carryback. If the tax found due is greater
3 than the amount paid, the department shall compute
4 the amount due, together with interest and penalties
5 as provided in subsection 2, and shall mail a notice
6 of assessment to the taxpayer and, if applicable, to
7 the taxpayer's authorized representative of the total,
8 which shall be computed as a sum certain ~~if paid on or~~
9 ~~before, with interest computed to~~ the last day of the
10 month in which the notice is dated, ~~or on or before the~~
11 ~~last day of the following month if the notice is dated~~
12 ~~after the twentieth day of any month. The notice shall~~
13 ~~also inform the taxpayer of the additional interest and~~
14 ~~penalty which will be added to the total due if not~~
15 ~~paid on or before the last day of the applicable month.~~

16 Sec. 88. Section 422.33, subsections 9 and 27,
17 Code Supplement 2011, are amended by striking the
18 subsections.

19 Sec. 89. Section 423.37, subsection 2, Code 2011,
20 is amended to read as follows:

21 2. If a return required by this subchapter is
22 not filed, or if a return when filed is incorrect or
23 insufficient ~~and the maker fails to file a corrected~~
24 ~~or sufficient return within twenty days after the~~
25 ~~same is required by notice from the department, the~~
26 department shall determine the amount of tax due from
27 information as the department may be able to obtain
28 and, if necessary, may estimate the tax on the basis of
29 external indices, such as number of employees of the
30 person concerned, rentals paid by the person, stock
31 on hand, or other factors. The determination may be
32 made using any generally recognized valid and reliable
33 sampling technique, whether or not the person being
34 audited has complete records, as mutually agreed upon
35 by the department and the taxpayer. The department
36 shall give notice of the determination to the person
37 liable for the tax. The determination shall fix the
38 tax unless the person against whom it is assessed
39 shall, within sixty days after the giving of notice of
40 the determination, apply to the director for a hearing
41 or unless the taxpayer contests the determination by
42 paying the tax, interest, and penalty and timely filing
43 a claim for refund. At the hearing, evidence may be
44 offered to support the determination or to prove that
45 it is incorrect. After the hearing the director shall
46 give notice of the decision to the person liable for
47 the tax.

48 Sec. 90. Section 424.10, subsection 2, paragraph a,
49 Code Supplement 2011, is amended to read as follows:

50 a. If a return required by this chapter is not

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1 filed, or if a return when filed is incorrect or
2 insufficient ~~and the maker fails to file a corrected~~
3 ~~or sufficient return within twenty days after the~~
4 ~~return is required by notice from the department,~~
5 the department shall determine the amount of charge
6 due from information as the department may be able
7 to obtain and, if necessary, may estimate the charge
8 on the basis of external indices or factors. The
9 department shall give notice of the determination to
10 the person liable for the charge. The determination
11 shall fix the charge unless the person against whom it
12 is assessed shall, within sixty days after the date of
13 the notice of the determination, apply to the director
14 for a hearing or unless the person against whom it
15 is assessed contests the determination by paying the
16 charge, interest, and penalty and timely filing a claim
17 for refund. At the hearing evidence may be offered
18 to support the determination or to prove that it is
19 incorrect. After the hearing the director shall give
20 notice of the decision to the person liable for the
21 charge.

22 Sec. 91. Section 427B.4, Code 2011, is amended to
23 read as follows:

24 427B.4 Application for exemption by property owner.

25 1. a. An application shall be filed for each
26 project resulting in actual value added for which
27 an exemption is claimed. The first application for
28 exemption shall be filed by the owner of the property
29 with the local assessor governing board of the city or
30 county in which the property is located by February
31 1 of the assessment year ~~in which the value added is~~
32 ~~first assessed for taxation for which the exemption is~~
33 first claimed, but not later than the year in which all
34 improvements included in the project are first assessed
35 for taxation, or the following two assessment years.

36 b. Applications for exemption shall be made on
37 forms prescribed by the director of revenue and shall
38 contain information pertaining to the nature of the
39 improvement, its cost, the estimated or actual date of
40 completion, whether the exemption schedules described
41 in section 427B.3 or an alternate schedule adopted
42 pursuant to section 427B.1 will be elected, and any
43 other information deemed necessary by the director of
44 revenue.

45 2. a. A person may submit a proposal to the city
46 council of the city or the board of supervisors of
47 a county to receive prior approval for eligibility
48 for a tax exemption on new construction. The city
49 council or the board of supervisors, by ordinance, may
50 give its prior approval of a tax exemption for new

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1 construction if the new construction is in conformance
2 with the zoning plans for the city or county. The
3 prior approval shall also be subject to the hearing
4 requirements of section 427B.1.

5 b. Prior approval received under this subsection
6 does not entitle the owner to exemption from taxation
7 until the new construction has been completed and
8 found to be qualified real estate. However, if the
9 tax exemption for new construction is not approved,
10 the person may submit an amended proposal to the city

11 council or board of supervisors to approve or reject.

12 Sec. 92. REPEAL. Sections 16.211, 16.212, and
13 422.11X, Code 2011, are repealed.

14 Sec. 93. RETROACTIVE APPLICABILITY. The following
15 provision or provisions of this division of this Act
16 apply retroactively to January 1, 2012, for tax years
17 beginning on or after that date:

18 1. The section of this division of this Act
19 amending section 422.15, subsection 2.

20 Sec. 94. RETROACTIVE APPLICABILITY. The following
21 provision or provisions of this division of this Act
22 apply retroactively to January 1, 2012, for assessment
23 years beginning on or after that date:

24 1. The section of this division of this Act
25 amending section 427B.4.

26 DIVISION VI
27 TIME SERVED

28 Sec. 95. Section 907.3, subsection 3, unnumbered
29 paragraph 1, Code Supplement 2011, is amended to read
30 as follows:

31 By record entry at the time of or after sentencing,
32 the court may suspend the sentence and place the
33 defendant on probation upon such terms and conditions
34 as it may require including commitment to an alternate
35 jail facility or a community correctional residential
36 treatment facility to be followed by a period of
37 probation as specified in section 907.7, or commitment
38 of the defendant to the judicial district department
39 of correctional services for supervision or services
40 under section 901B.1 at the level of sanctions which
41 the district department determines to be appropriate
42 and the payment of fees imposed under section 905.14.
43 A person so committed who has probation revoked shall
44 not be given credit for such time served. However, ~~the~~
45 a person committed to an alternate jail facility or a
46 community correctional residential treatment facility
47 who has probation revoked shall be given credit for
48 time served in the facility. The court shall not
49 suspend any of the following sentences:

50 Sec. 96. APPLICABILITY AND WAIVER OF RIGHTS. A

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1 person who commits an offense prior to the effective
2 date of this division of this Act may expressly state
3 to the court, at the time of sentencing, that the
4 person waives any rights under Anderson v. State, 801
5 N.W.2d 1, relating to the calculation of credit for
6 time served, and agree to be sentenced using credits
7 as calculated under section 907.3, as amended by this
8 division of this Act. If the court finds the waiver
9 voluntary, the sentencing order shall reference the
10 person's waiver of rights under Anderson, and order
11 that credit for time served be calculated under section
12 907.3, as amended by this division of this Act.
13 Sec. 97. EFFECTIVE UPON ENACTMENT. This division
14 of this Act, being deemed of immediate importance,
15 takes effect upon enactment.

16 DIVISION VII
17 COUNTY TREASURERS

18 Sec. 98. Section 161A.35, unnumbered paragraph 1,
19 Code 2011, is amended to read as follows:
20 If the owner of any premises against which a levy
21 exceeding ~~one~~ five hundred dollars has been made and
22 certified shall, within thirty days from the date of
23 such levy, agree in writing in a separate agreement,
24 that in consideration of having a right to pay the
25 owner's assessment in installments, the owner will not
26 make any objection as to the legality of the assessment
27 for benefit, or the levy of the taxes against the
28 owner's property, then such owner shall have the
29 following options:
30 Sec. 99. Section 311.17, subsection 1, Code 2011,
31 is amended to read as follows:
32 1. If an owner other than the state or a county or
33 city, of any tracts of land on which the assessment
34 is more than ~~one~~ five hundred dollars, shall, within
35 twenty days from the date of the assessment, agree in
36 writing filed in the office of the county auditor,
37 that in consideration of the owner having the right
38 to pay the assessment in installments, the owner will
39 not make any objection of illegality or irregularity
40 as to the assessment upon the real estate, and will
41 pay the assessment plus interest, the assessment
42 shall be payable in ten equal installments. The
43 first installment shall be payable on the date of
44 the agreement. The other installments shall be paid
45 annually at the same time and in the same manner
46 as the September semiannual payment of ordinary
47 taxes with interest accruing as provided in section
48 384.65, subsection 3. The rate of interest shall be
49 as established by the board, but not exceeding that
50 permitted by chapter 74A.

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1 Sec. 100. Section 311.19, unnumbered paragraph 1,
2 Code 2011, is amended to read as follows:

3 Assessments of ~~one~~ five hundred dollars or less
4 against any tract of land, and assessments against
5 lands owned by the state, county, or city, shall be
6 due and payable from the date of levy by the board of
7 supervisors, or in the case of any appeal, from the
8 date of final confirmation of the levy by the court.

9 Sec. 101. Section 331.384, subsection 3, Code 2011,
10 is amended to read as follows:

11 3. If any amount assessed against property under
12 this section exceeds ~~one~~ five hundred dollars, a county
13 may permit the assessment to be paid in up to ten
14 annual installments in the same manner and with the
15 same interest rates provided for assessments against
16 benefited property under chapter 384, division IV.

17 Sec. 102. Section 357.20, Code 2011, is amended to
18 read as follows:

19 357.20 Due date — bonds.

20 Assessments of ~~less than one~~ five hundred dollars
21 or less will come due at the first taxpaying date
22 after the approval of the final assessment, and
23 assessments of ~~one hundred dollars or more~~ than five
24 hundred dollars may be paid in ten annual installments
25 with interest on the unpaid balance at a rate not
26 exceeding that permitted by chapter 74A. The board of
27 supervisors shall issue bonds against the completed
28 assessment in an amount equal to the total cost of the
29 project, so that the amount of the assessment will be
30 approximately ten percent greater than the amount of
31 the bonds.

32 Sec. 103. Section 358.16, subsection 3, Code 2011,
33 is amended to read as follows:

34 3. If any amount assessed against property pursuant
35 to this section will exceed ~~one~~ five hundred dollars,
36 the board of trustees may permit the assessment to be
37 paid in up to ten annual installments, in the manner
38 and with the same interest rates as provided for
39 assessments against benefited property under chapter
40 384, division IV.

41 Sec. 104. Section 364.13, Code 2011, is amended to
42 read as follows:

43 364.13 Installments.

44 If any amount assessed against property under
45 section 364.12 will exceed ~~one~~ five hundred dollars, a
46 city may permit the assessment to be paid in up to ten
47 annual installments, in the same manner and with the
48 same interest rates provided for assessments against
49 benefited property under chapter 384, division IV.

50 Sec. 105. Section 384.60, subsection 1, paragraph

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1 b, Code 2011, is amended to read as follows:

2 b. State the number of annual installments, not
3 exceeding fifteen, into which assessments of ~~one more~~
4 than five hundred dollars ~~or more~~ are divided.

5 Sec. 106. Section 384.65, subsection 1, Code 2011,
6 is amended to read as follows:

7 1. The first installment of each assessment, or
8 the total amount if ~~less than one five~~ hundred dollar
9 or less, is due and payable on July 1 next succeeding
10 the date of the levy, unless the assessment is filed
11 with the county treasurer after May 31 in any year.
12 The first installment shall bear interest on the
13 whole unpaid assessment from the date of acceptance of
14 the work by the council to the first day of December
15 following the due date.

16 Sec. 107. Section 435.24, subsection 6, paragraph
17 b, Code 2011, is amended to read as follows:

18 b. Partial payment of taxes which are delinquent
19 may be made to the county treasurer. For the
20 installment being paid, payment shall first be applied
21 toward any interest, fees, and costs accrued and the
22 remainder applied to the tax due. A partial payment
23 must equal or exceed the interest, fees, and costs of
24 the installment being paid. A partial payment made
25 under this paragraph shall be apportioned in accordance
26 with section 445.57, however, such partial payment
27 may, at the discretion of the county treasurer, be
28 apportioned either on or before the tenth day of the
29 month following the receipt of the partial payment
30 or on or before the tenth day of the month following
31 the due date of the next semiannual tax installment.

32 If the payment does not include the whole of any
33 installment of the delinquent tax, the unpaid tax
34 shall continue to accrue interest pursuant to section
35 445.39. Partial payment shall not be permitted in lieu
36 of redemption if the property has been sold for taxes
37 under chapter 446 and under any circumstances shall not
38 constitute an extension of the time period for a sale
39 under chapter 446.

40 Sec. 108. Section 445.36A, subsection 2, Code 2011,
41 is amended to read as follows:

42 2. Partial payment of taxes which are delinquent
43 may be made to the county treasurer. For the
44 installment being paid, payment shall first be applied
45 to any interest, fees, and costs accrued and the
46 remainder applied to the taxes due. A partial payment
47 must equal or exceed the amount of interest, fees, and
48 costs of the installment being paid. A partial payment
49 made under this subsection shall be apportioned in
50 accordance with section 445.57, however, such partial

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1 payment may, at the discretion of the county treasurer,
2 be apportioned either on or before the tenth day of
3 the month following the receipt of the partial payment
4 or on or before the tenth day of the month following
5 the due date of the next semiannual tax installment.
6 If the payment does not include the whole of any
7 installment of the delinquent tax, the unpaid tax
8 shall continue to accrue interest pursuant to section
9 445.39. Partial payment shall not be permitted in lieu
10 of redemption if the property has been sold for taxes
11 under chapter 446 and under any circumstances shall not
12 constitute an extension of the time period for a sale
13 under chapter 446.

14 Sec. 109. Section 445.57, unnumbered paragraph 1,
15 Code 2011, is amended to read as follows:

16 On or before the tenth day of each month, the county
17 treasurer shall apportion all taxes collected during
18 the preceding month, except partial payment amounts
19 collected pursuant to section 445.36A, subsection 1
20 and partial payments collected and not yet designated
21 by the county treasurer for apportionment pursuant
22 to section 445.36A, subsection 2, partial payments
23 collected pursuant to section 435.24, subsection
24 6, paragraph "a", and partial payments collected
25 and not yet designated by the county treasurer for
26 apportionment pursuant to section 435.24, subsection
27 6, paragraph "b", among the several funds to which they
28 belong according to the amount levied for each fund,
29 and shall apportion the interest, fees, and costs on
30 the taxes to the general fund, and shall enter those
31 amounts upon the treasurer's cash account, and report
32 the amounts to the county auditor.

33 Sec. 110. Section 446.32, Code 2011, is amended to
34 read as follows:

35 446.32 Payment of subsequent taxes by purchaser.
36 The county treasurer shall provide to the purchaser
37 of a parcel sold at tax sale a receipt for the total
38 amount paid by the purchaser after the date of purchase
39 for a subsequent year. Taxes for a subsequent year
40 may be paid by the purchaser beginning one month
41 and fourteen days following the date from which an
42 installment becomes delinquent as provided in section
43 445.37. Notwithstanding any provision to the contrary,
44 a subsequent payment must be received and recorded
45 by the treasurer in the county system no later than
46 ~~five 5:00~~ p.m. on the last business day of the month
47 for interest for that month to accrue and be added
48 to the amount due under section 447.1. However, the
49 treasurer may establish a deadline for receipt of
50 subsequent payments that is other than ~~five 5:00~~ p.m.

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1 on the last business day of the month to allow for
2 timely processing of the subsequent payments. Late
3 interest shall be calculated through the date that the
4 subsequent payment is recorded by the treasurer in
5 the county system. In no instance shall the date of
6 postmark of a subsequent payment be used by a treasurer
7 either to calculate interest or to determine whether
8 interest shall accrue on the subsequent payment.

9 Sec. 111. Section 468.57, subsection 1, Code
10 Supplement 2011, is amended to read as follows:

11 1. If the owner of any land against which a levy
12 exceeding ~~one~~ five hundred dollars has been made and
13 certified shall, within thirty days from the date
14 of such levy, agree in writing endorsed upon any
15 improvement certificate referred to in section 468.70,
16 or in a separate agreement, that in consideration
17 of having a right to pay the owner's assessment in
18 installments, the owner will not make any objection as
19 to the legality of the assessment for benefit, or the
20 levy of the taxes against the property, then such owner
21 shall have the following options:

22 a. To pay one-third of the amount of the assessment
23 at the time of filing the agreement; one-third within
24 twenty days after the engineer in charge certifies to
25 the auditor that the improvement is one-half completed;
26 and the remaining one-third within twenty days after
27 the improvement has been completed and accepted by the
28 board. All installments shall be without interest if
29 paid at said times, otherwise the assessments shall
30 bear interest from the date of the levy at a rate
31 determined by the board notwithstanding chapter 74A,
32 payable annually, and be collected as other taxes on
33 real estate, with like interest for delinquency.

34 b. To pay the assessments in not less than ten nor
35 more than twenty equal installments, with the number
36 of payments and interest rate determined by the board,
37 notwithstanding chapter 74A. The first installment
38 of each assessment, or the total amount if ~~less than~~
39 ~~one~~ five hundred dollars or less, is due and payable
40 on July 1 next succeeding the date of the levy, unless
41 the assessment is filed with the county treasurer
42 after May 31 in any year. The first installment shall
43 bear interest on the whole unpaid assessment from the
44 date of the levy as set by the board to the first day
45 of December following the due date. The succeeding
46 annual installments, with interest on the whole unpaid
47 amount, to the first day of December following the due
48 date, are respectively due on July 1 annually, and must
49 be paid at the same time and in the same manner as
50 the first semiannual payment of ordinary taxes. All

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1 future installments of an assessment may be paid on
 2 any date by payment of the then outstanding balance
 3 plus interest to the next December 1, or additional
 4 annual installments may be paid after the current
 5 installment has been paid before December 1 without
 6 interest. A payment must be for the full amount of
 7 the next installment. If installments remain to be
 8 paid, the next annual installment with interest added
 9 to December 1 will be due. After December 1, if a
 10 drainage assessment is not delinquent, a property owner
 11 may pay one-half or all of the next annual installment
 12 of principal and interest of a drainage assessment
 13 prior to the delinquency date of the installment.
 14 When the next installment has been paid in full,
 15 successive principal installments may be prepaid.
 16 The county treasurer shall accept the payments of the
 17 drainage assessment, and shall credit the next annual
 18 installment or future installments of the drainage
 19 assessment to the extent of the payment or payments,
 20 and shall remit the payments to the drainage fund. If
 21 a property owner elects to pay one or more principal
 22 installments in advance, the pay schedule shall be
 23 advanced by the number of principal installments
 24 prepaid. Each installment of an assessment with
 25 interest on the unpaid balance is delinquent from
 26 October 1 after its due date. However, when the last
 27 day of September is a Saturday or Sunday, that amount
 28 shall be delinquent from the second business day of
 29 October. Taxes assessed pursuant to this chapter
 30 which become delinquent shall bear the same delinquent
 31 interest as ordinary taxes. When collected, the
 32 interest must be credited to the same drainage fund as
 33 the drainage special assessment.

34 DIVISION VIII

35 BOARDS AND COMMISSIONS

36 Sec. 112. Section 28B.1, subsection 1, unnumbered
 37 paragraph 1, Code 2011, is amended to read as follows:
 38 The In accordance with a resolution adopted for
 39 this purpose by the legislative council, an Iowa
 40 commission on interstate cooperation is hereby
 41 established shall be appointed to address the charge
 42 and other responsibilities for the commission outlined
 43 in the resolution. ~~It~~ The commission shall consist of
 44 thirteen members to be appointed as follows:

45 Sec. 113. Section 28B.4, Code 2011, is amended to
 46 read as follows:

47 28B.4 Report.

48 1. The commission shall report to the governor
 49 and to the legislature within fifteen days after the
 50 convening of each general assembly general assembly in

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1 accordance with the commission's charge, and at may
2 report at other times as it deems deemed appropriate by
3 the commission.

4 2. The ~~The~~ The ~~commission's~~ commission's members and the member o f
5 all committees which it establishes shall be reimbursed
6 for their travel and other necessary expenses in
7 carrying out their obligations under this chapter
8 and legislative members shall be paid a per diem
9 ~~as specified in section 7E.6~~ for each day in which
10 engaged in the performance of their duties, the per
11 diem and legislators' expenses to be paid from funds
12 appropriated by sections 2.10 and 2.12. Expenses of
13 administrative officers, state officials, or state
14 employees who are members of the Iowa commission on
15 interstate cooperation or a committee appointed by the
16 commission shall be paid from funds appropriated to the
17 agencies or departments which persons represent except
18 as may otherwise be provided by the general assembly.
19 Expenses of citizen members who may be appointed to
20 committees of the commission may be paid from funds as
21 authorized by the general assembly. Expenses of the
22 secretary or employees of the secretary and support
23 services in connection with the administration of the
24 commission shall be paid from funds appropriated to the
25 legislative services agency unless otherwise provided
26 by the general assembly. Expenses of commission
27 members shall be paid upon approval of the chairperson
28 or the secretary of the commission.

29 Sec. 114. Section 216A.132, subsection 1, paragraph
30 c, Code 2011, is amended to read as follows:

31 c. (1) The chief justice of the supreme court
32 shall designate one member who is a district judge and
33 one member who is either a district associate judge or
34 associate juvenile judge. ~~The chairperson and ranking~~
35 ~~member of the senate committee on judiciary shall be~~
36 ~~members. In alternating four-year intervals, the~~
37 ~~chairperson and ranking member of the house committee~~
38 ~~on judiciary or of the house committee on public~~
39 ~~safety shall be members, with the chairperson and~~
40 ~~ranking member of the house committee on public safety~~
41 ~~serving during the initial interval. Nonlegislative~~
42 ~~The~~ The ~~members~~ members appointed pursuant to this ~~paragraph~~
43 ~~subparagraph~~ subparagraph shall serve as ex officio, nonvoting
44 members for four-year terms beginning and ending as
45 provided in section 69.19, unless the member ceases to
46 serve as a ~~district court~~ judge.

47 (2) ~~The chairperson and ranking member of the~~
48 ~~senate committee on judiciary shall be ex officio,~~
49 ~~nonvoting members. In alternating two-year terms,~~
50 beginning and ending as provided in section 69.16B, the

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1 chairperson and ranking member of the house committee
2 on judiciary or of the house committee on public
3 safety shall be ex officio, nonvoting members, with the
4 chairperson and ranking member of the house committee
5 on public safety serving during the term beginning in
6 January 2011.

7 Sec. 115. REPEAL. Section 249A.36, Code 2011, is
8 repealed.

9 DIVISION IX

10 ALLOWABLE GROWTH

11 Sec. 116. Section 257.8, subsection 1, Code
12 Supplement 2011, is amended to read as follows:

13 1. State percent of growth. ~~The state percent of~~
14 ~~growth for the budget year beginning July 1, 2010,~~
15 ~~is two percent.~~ The state percent of growth for the
16 budget year beginning July 1, 2012, is two percent.
17 The state percent of growth for the budget year
18 beginning July 1, 2013, is four percent. The state
19 percent of growth for each subsequent budget year shall
20 be established by statute which shall be enacted within
21 thirty days of the submission in the year preceding the
22 base year of the governor's budget under section 8.21.
23 The establishment of the state percent of growth for
24 a budget year shall be the only subject matter of the
25 bill which enacts the state percent of growth for a
26 budget year.

27 Sec. 117. Section 257.8, subsection 2, Code
28 Supplement 2011, is amended to read as follows:

29 2. Categorical state percent of growth. ~~The~~
30 ~~categorical state percent of growth for the budget~~
31 ~~year beginning July 1, 2010, is two percent.~~ The
32 categorical state percent of growth for the budget
33 year beginning July 1, 2012, is two percent. The
34 categorical state percent of growth for the budget
35 year beginning July 1, 2013, is four percent. The
36 categorical state percent of growth for each budget
37 year shall be established by statute which shall
38 be enacted within thirty days of the submission in
39 the year preceding the base year of the governor's
40 budget under section 8.21. The establishment of the
41 categorical state percent of growth for a budget year
42 shall be the only subject matter of the bill which
43 enacts the categorical state percent of growth for a
44 budget year. The categorical state percent of growth
45 may include state percents of growth for the teacher
46 salary supplement, the professional development
47 supplement, and the early intervention supplement.

48 Sec. 118. EFFECTIVE UPON ENACTMENT. This division
49 of this Act, being deemed of immediate importance,
50 takes effect upon enactment.

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1 Sec. 119. APPLICABILITY. This division of this Act
2 is applicable for computing state aid under the state
3 school foundation program for the school budget year
4 beginning July 1, 2013.

5 Sec. 120. CODE SECTION 257.8 — IMPLEMENTATION.

6 The requirements of section 257.8 regarding the
7 enactment of the regular program state percent of
8 growth and categorical state percent of growth within
9 thirty days of the submission in the year preceding the
10 base year of the governor's budget and the requirements
11 that the subject matter of each bill establishing
12 the state percent of growth or the categorical state
13 percent of growth be the only subject matter of the
14 bill do not apply to this division of this Act.

15 DIVISION X

16 CITY FRANCHISE FEES

17 Sec. 121. Section 364.2, subsection 4, paragraph f,
18 Code 2011, is amended to read as follows:

19 f. (1) (a) A franchise fee assessed by a city may
20 be based upon a percentage of gross revenues generated
21 from sales of the franchisee within the city not to
22 exceed five percent, except as provided in subparagraph
23 division (b), without regard to the city's cost of
24 inspecting, supervising, and otherwise regulating the
25 franchise.

26 (b) For franchise fees assessed and collected
27 during fiscal years beginning on or after July 1,
28 2012, but before July 1, 2030, by a city that is the
29 subject of a judgment, court-approved settlement, or
30 court-approved compromise providing for payment of
31 restitution, a refund, or a return described in section
32 384.3A, subsection 3, paragraph "j", the rate of the
33 franchise fee shall not exceed seven and one-half
34 percent of gross revenues generated from sales of the
35 franchisee in the city, and franchise fee amounts
36 assessed and collected during such fiscal years in
37 excess of five percent of gross revenues generated
38 from sales shall be used solely for the purpose
39 specified in section 384.3A, subsection 3, paragraph
40 "j". A city may assess and collect a franchise fee
41 in excess of five percent of gross revenues generated
42 from the sales of the franchisee pursuant to this
43 subparagraph division (b) for a period not to exceed
44 seven consecutive fiscal years once the franchise fee
45 is first imposed at a rate in excess of five percent.
46 This subparagraph division is repealed July 1, 2030.

47 (2) Franchise fees collected pursuant to an
48 ordinance in effect on May 26, 2009, shall be deposited
49 in the city's general fund and such fees collected in
50 excess of the amounts necessary to inspect, supervise,

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1 and otherwise regulate the franchise may be used by
2 the city for any other purpose authorized by law.
3 Franchise fees collected pursuant to an ordinance
4 that is adopted or amended on or after May 26, 2009,
5 to increase the percentage rate at which franchise
6 fees are assessed shall be credited to the franchise
7 fee account within the city's general fund and used
8 pursuant to section 384.3A. If a city franchise fee
9 is assessed to customers of a franchise, the fee shall
10 not be assessed to the city as a customer. Before a
11 city adopts or amends a franchise fee rate ordinance
12 or franchise ordinance to increase the percentage
13 rate at which franchise fees are assessed, a revenue
14 purpose statement shall be prepared specifying the
15 purpose or purposes for which the revenue collected
16 from the increased rate will be expended. If property
17 tax relief is listed as a purpose, the revenue purpose
18 statement shall also include information regarding the
19 amount of the property tax relief to be provided with
20 revenue collected from the increased rate. The revenue
21 purpose statement shall be published as provided in
22 section 362.3.

23 Sec. 122. Section 384.3A, subsection 3, Code 2011,
24 is amended by adding the following new paragraph:
25 NEW PARAGRAPH. j. For franchise fees assessed
26 and collected by a city in excess of five percent of
27 gross revenues generated from sales of the franchisee
28 within the city pursuant to section 364.2, subsection
29 4, paragraph "f", subparagraph (1), subparagraph
30 division (b), during fiscal years beginning on or after
31 July 1, 2012, but before July 1, 2030, the adjustment,
32 renewing, or extension of any part or all of the legal
33 indebtedness of a city, whether evidenced by bonds,
34 warrants, court-approved settlements, court-approved
35 compromises, or judgments, or the funding or refunding
36 of the same, if such legal indebtedness relates to
37 restitution, a refund, or a return ordered by a court
38 of competent jurisdiction for franchise fees assessed
39 and collected by the city before the effective date of
40 this division of this Act. This paragraph is repealed
41 July 1, 2030.
42 Sec. 123. EFFECTIVE UPON ENACTMENT. This division
43 of this Act, being deemed of immediate importance,
44 takes effect upon enactment.

45 DIVISION XI

46 EXTERNAL REVIEW OF HEALTH CARE COVERAGE DECISIONS

47 Sec. 124. Section 514J.102, subsections 1 and 10,
48 Code Supplement 2011, are amended to read as follows:
49 1. "Adverse determination" means a determination
50 by a health carrier that an admission, availability

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1 of care, continued stay, or other health care service
2 that is a covered benefit has been reviewed and,
3 based upon the information provided, does not meet the
4 health carrier's requirements for medical necessity,
5 appropriateness, health care setting, level of
6 care, or effectiveness, and the requested service or
7 payment for the service is therefore denied, reduced,
8 or terminated. "Adverse determination" includes a
9 denial of coverage for a dental care service that is
10 a covered benefit that has been reviewed and, based
11 upon the information provided, does not meet the health
12 carrier's requirements for medical necessity, and
13 the requested service or payment for the dental care
14 service is therefore denied, reduced, or terminated,
15 in whole or in part. "Adverse determination" does not
16 include a denial of coverage for a service or treatment
17 specifically listed in plan or evidence of coverage
18 documents as excluded from coverage.

19 10. "Covered benefits" or "benefits" means those
20 health care services and dental care services to which
21 a covered person is entitled under the terms of a
22 health benefit plan.

23 Sec. 125. Section 514J.102, Code Supplement 2011,
24 is amended by adding the following new subsection:
25 NEW SUBSECTION. 11A. "Dental care services" means
26 services for diagnostic, preventive, maintenance, and
27 therapeutic dental care that is provided under chapter
28 153.

29 Sec. 126. Section 514J.103, subsection 1, Code
30 Supplement 2011, is amended to read as follows:

31 1. Except as provided in subsection 2, this chapter
32 shall apply to all health carriers, including health
33 carriers issuing a policy or certificate that provides
34 coverage for dental care.

35 Sec. 127. Section 514J.103, subsection 2, paragraph
36 a, Code Supplement 2011, is amended to read as follows:

37 a. A policy or certificate that provides coverage
38 only for a specified disease, specified accident or
39 accident-only, credit, disability income, hospital
40 indemnity, long-term care, ~~dental care~~, vision care, or
41 any other limited supplemental benefit.

DIVISION XII

EARLY INTERVENTION BLOCK GRANT PROGRAM

44 Sec. 128. REPEAL. Section 256D.9, Code 2011, is
45 repealed.

46 Sec. 129. EFFECTIVE DATE. This division of this
47 Act takes effect June 30, 2012.

DIVISION XIII

JUVENILE OFFENDERS

50 Sec. 130. Section 232.8, subsection 1, paragraph c,

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1 Code 2011, is amended to read as follows:

2 c. Violations by a child, aged sixteen or older,
3 which subject the child to the provisions of section
4 124.401, subsection 1, paragraph “e” or “f”, or
5 violations of section 723A.2 which involve a violation
6 of chapter 724, or violation of chapter 724 which
7 constitutes a felony, or violations which constitute
8 a forcible felony are excluded from the jurisdiction
9 of the juvenile court and shall be prosecuted as
10 otherwise provided by law unless the district court
11 transfers jurisdiction of the child to the juvenile
12 court upon motion and for good cause pursuant to
13 section 803.6. ~~A child over whom jurisdiction has not~~
14 ~~been transferred to the juvenile court, and who is~~
15 ~~convicted of a violation excluded from the jurisdiction~~
16 ~~of the juvenile court under this paragraph, shall be~~
17 ~~sentenced pursuant to section 124.401B, 902.9, or~~
18 ~~903.1~~. Notwithstanding any other provision of the
19 Code to the contrary, the district court may accept
20 from a child in district court a plea of guilty, or
21 may instruct the jury on a lesser included offense
22 to the offense excluded from the jurisdiction of the
23 juvenile court under this section, in the same manner
24 as regarding an adult. The judgment and sentence of
25 a child in district court shall be as provided in
26 section 901.5. However, the juvenile court shall
27 have exclusive original jurisdiction in a proceeding
28 concerning an offense of animal torture as provided in
29 section 717B.3A alleged to have been committed by a
30 child under the age of seventeen.

31 Sec. 131. Section 232.8, subsection 3, paragraph a,
32 Code 2011, is amended to read as follows:

33 a. The juvenile court, after a hearing and in
34 accordance with the provisions of section 232.45, may
35 waive jurisdiction of a child alleged to have committed
36 a public offense so that the child may be prosecuted
37 as an adult or youthful offender for such offense in
38 another court. ~~If the child, except a child being~~
39 ~~prosecuted as a youthful offender, pleads guilty or is~~
40 found guilty of a public offense other than a class “A”
41 felony in another court of this state, that court may
42 suspend the sentence or, with the consent of the child,
43 defer judgment and without regard to restrictions
44 placed upon deferred judgments for adults, place the
45 child on probation for a period of not less than one
46 year upon such conditions as it may require. Upon
47 fulfillment of the conditions of probation, a child
48 who receives a deferred judgment shall be discharged
49 without entry of judgment. A child prosecuted as
50 a youthful offender shall be sentenced pursuant to

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1 section 907.3A.

2 Sec. 132. Section 232.45, subsection 6, unnumbered
3 paragraph 1, Code 2011, is amended to read as follows:

4 At the conclusion of the waiver hearing the court
5 may waive its jurisdiction over the child for the
6 alleged commission of the public offense for the
7 purpose of prosecution of the child as an adult if all
8 of the following apply:

9 Sec. 133. Section 232.45, subsection 7, paragraph
10 a, subparagraph (1), Code 2011, is amended to read as
11 follows:

12 (1) The child is twelve through fifteen years of
13 age or ~~younger~~ the child is ten or eleven years of age
14 and has been charged with a public offense that would
15 be classified as a class "A" felony if committed by an
16 adult.

17 Sec. 134. Section 232.45A, subsections 2 and 3,
18 Code 2011, are amended to read as follows:

19 2. Once a child sixteen years of age or older
20 has been waived ~~to and convicted of an aggravated~~
21 ~~misdemeanor or a felony in~~ by the juvenile court to the
22 district court, all subsequent criminal proceedings
23 against the child ~~for any aggravated misdemeanor~~
24 ~~or felony occurring subsequent to the date of the~~
25 ~~conviction of the child for any delinquent act~~
26 committed after the date of the waiver by the juvenile
27 court shall begin in district court, notwithstanding
28 sections 232.8 and 232.45. A copy of the findings
29 required by section 232.45, subsection 10, shall
30 be made a part of the record in the district court
31 proceedings. However, upon acquittal or dismissal
32 in district court of all waived offenses and all
33 lesser included offenses of the waived offenses, the
34 proceedings for any delinquent act committed by the
35 child subsequent to such acquittal or dismissal shall
36 begin in juvenile court. Any proceedings initiated in
37 district court for a public offense committed by the
38 child subsequent to the waiver by the juvenile court,
39 but prior to any acquittal or dismissal of all waived
40 offenses and lesser included offenses in district
41 court, shall remain in district court.

42 3. If proceedings against a child ~~for an aggravated~~
43 ~~misdemeanor or a felony~~ sixteen years of age or older
44 who has previously been waived ~~to and convicted of~~
45 ~~an aggravated misdemeanor or a felony in the district~~
46 court are mistakenly begun in the juvenile court, the
47 matter shall be transferred to district court upon
48 the discovery of the prior waiver and conviction,
49 notwithstanding sections 232.8 and 232.45.

50 Sec. 135. Section 232.50, subsection 1, Code 2011,

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1 is amended to read as follows:

2 1. As soon as practicable following the entry
3 of an order of adjudication pursuant to section
4 232.47 or notification that the child has ~~received a~~
5 ~~youthful offender deferred sentence~~ been placed on
6 youthful offender status pursuant to section 907.3A,
7 the court shall hold a dispositional hearing in order
8 to determine what disposition should be made of the
9 matter.

10 Sec. 136. Section 232.52, subsection 1, Code 2011,
11 is amended to read as follows:

12 1. Pursuant to a hearing as provided in section
13 232.50, the court shall enter the least restrictive
14 dispositional order appropriate in view of the
15 seriousness of the delinquent act, the child's
16 culpability as indicated by the circumstances of
17 the particular case, the age of the child, the
18 child's prior record, or the fact that the child has
19 ~~received a youthful offender deferred sentence~~ been
20 placed on youthful offender status under section
21 907.3A. The order shall specify the duration and
22 the nature of the disposition, including the type of
23 residence or confinement ordered and the individual,
24 agency, department, or facility in whom custody is
25 vested. In the case of a child who has ~~received a~~
26 ~~youthful offender deferred sentence~~ been placed on
27 youthful offender status, the initial duration of the
28 dispositional order shall be until the child reaches
29 the age of eighteen.

30 Sec. 137. Section 232.54, subsection 1, paragraph
31 g, Code 2011, is amended to read as follows:

32 g. With respect to a juvenile court dispositional
33 order entered regarding a child who has ~~received a~~
34 ~~youthful offender deferred sentence~~ been placed on
35 youthful offender status under section 907.3A, the
36 dispositional order may be terminated prior to the
37 child reaching the age of eighteen upon motion of the
38 child, the person or agency to whom custody of the
39 child has been transferred, or the county attorney
40 following a hearing before the juvenile court if it is
41 shown by clear and convincing evidence that it is in
42 the best interests of the child and the community to
43 terminate the order. The hearing may be waived if all
44 parties to the proceeding agree. The dispositional
45 order regarding a child who has ~~received a youthful~~
46 ~~offender deferred sentence~~ been placed on youthful
47 offender status may also be terminated prior to the
48 child reaching the age of eighteen upon motion of the
49 county attorney, if the waiver of the child to district
50 court was conditioned upon the terms of an agreement

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1 between the county attorney and the child, and the
2 child violates the terms of the agreement after the
3 waiver order has been entered. The district court
4 shall discharge the child's youthful offender status
5 upon receiving a termination order under this section.

6 Sec. 138. Section 232.54, subsection 1, paragraph
7 h, unnumbered paragraph 1, Code 2011, is amended to
8 read as follows:

9 With respect to a dispositional order entered
10 regarding a child who has ~~received a youthful offender~~
11 ~~deferred sentence~~ been placed on youthful offender
12 status under section 907.3A, the juvenile court may,
13 in the case of a child who violates the terms of the
14 order, modify or terminate the order in accordance with
15 the following:

16 Sec. 139. Section 232.55, subsection 3, Code 2011,
17 is amended to read as follows:

18 3. This section does not apply to dispositional
19 orders entered regarding a child who has ~~received a~~
20 ~~youthful offender deferred sentence~~ been placed on
21 youthful offender status under section 907.3A who
22 is not discharged from probation before or upon the
23 child's eighteenth birthday.

24 Sec. 140. Section 232.56, Code 2011, is amended to
25 read as follows:

26 232.56 Youthful offenders — transfer to district
27 court supervision.

28 The juvenile court shall deliver a report, which
29 includes an assessment of the child by a juvenile court
30 officer after consulting with the judicial district
31 department of correctional services, to the district
32 court prior to the eighteenth birthday of a child who
33 has ~~received a youthful offender deferred sentence~~
34 been placed on youthful offender status under section
35 907.3A. A hearing shall be held in the district court
36 in accordance with section 907.3A to determine whether
37 the child should be discharged from youthful offender
38 status or whether the child shall continue under the
39 supervision of the district court after the child's
40 eighteenth birthday.

41 Sec. 141. Section 901.5, Code Supplement 2011, is
42 amended by adding the following new subsection:

43 NEW SUBSECTION. 14. Notwithstanding any provision
44 in section 907.3 or any other provision of law
45 prescribing a mandatory minimum sentence for the
46 offense, if the defendant is guilty of a public offense
47 other than a class "A" felony, and was a minor at
48 the time the offense was committed, the court may
49 suspend the sentence in whole or in part, including any
50 mandatory minimum sentence, defer sentence, or with the

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1 consent of the defendant, defer judgment, and place the
2 defendant on probation, upon such conditions as the
3 court may require.

4 Sec. 142. Section 907.3A, Code 2011, is amended to
5 read as follows:

6 ~~907.3A Youthful offender deferred sentence —~~
7 ~~youthful offender status.~~

8 1. Notwithstanding section 907.3 but subject to any
9 conditions of the waiver order, the trial court shall,
10 upon a plea of guilty or a verdict of guilty, ~~defer~~
11 ~~sentence of a youthful offender place the juvenile~~
12 over whom the juvenile court has waived jurisdiction
13 pursuant to section 232.45, subsection 7, ~~and place~~
14 ~~the juvenile~~ on youthful offender status. The court
15 shall transfer supervision of the youthful offender
16 to the juvenile court for disposition in accordance
17 with section 232.52. An adjudication of delinquency
18 entered by the juvenile court at disposition for
19 a public offense shall not be deemed a conviction
20 and shall not preclude the subsequent entry of a
21 deferred judgment, conviction, or sentence by the
22 district court. The court shall require supervision
23 of the youthful offender in accordance with section
24 232.54, subsection 1, paragraph “h”, or subsection 2
25 of this section. ~~Notwithstanding section 901.2, a~~
26 ~~presentence investigation shall not be ordered by the~~
27 ~~court subsequent to an entry of a plea of guilty or~~
28 ~~verdict of guilty or prior to deferral of sentence of a~~
29 ~~youthful offender under this section.~~

30 2. The court shall hold a hearing prior to a
31 youthful offender’s eighteenth birthday to determine
32 whether the youthful offender shall continue on
33 youthful offender status after the youthful offender’s
34 eighteenth birthday ~~under the supervision of the~~
35 ~~court or be discharged.~~ Notwithstanding section
36 901.2, the court may order a presentence investigation
37 report including a report for an offense classified
38 as a class “A” felony. The court shall review the
39 report of the juvenile court regarding the youthful
40 offender ~~and prepared pursuant to section 232.56,~~
41 ~~and any presentence investigation report, if ordered~~
42 ~~by the court.~~ The court shall hear evidence by or
43 on behalf of the youthful offender, by the county
44 attorney, and by the person or agency to whom custody
45 of the youthful offender was transferred. The court
46 shall make its decision, pursuant to the sentencing
47 options available in subsection 3, after considering
48 the services available to the youthful offender, the
49 evidence presented, the juvenile court’s report, the
50 presentence investigation report if ordered by the

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1 court, the interests of the youthful offender, and
2 interests of the community.

3 3. a. Notwithstanding any provision of the Code
4 which prescribes a mandatory minimum sentence for the
5 offense committed by the youthful offender, following
6 transfer of the youthful offender from the juvenile
7 court back to the court having jurisdiction over the
8 criminal proceedings involving the youthful offender,
9 the court ~~may continue the youthful offender deferred~~
10 ~~sentence or enter a sentence, which may be a suspended~~
11 ~~sentence.~~ shall order one of the following sentencing
12 options:

13 (1) Defer judgment and place the youthful offender
14 on probation, upon the consent of the youthful
15 offender.

16 (2) Defer the sentence and place the youthful
17 offender on probation upon such terms and conditions
18 as the court may require.

19 (3) Suspend the sentence and place the youthful
20 offender on probation upon such terms and conditions
21 as the court may require.

22 (4) A term of confinement.

23 (5) Discharge the youthful offender from youthful
24 offender status and terminate the sentence.

25 b. Notwithstanding anything in section 907.7 to
26 the contrary, if the district court ~~either grants~~
27 the youthful offender a deferred judgment, continues
28 the youthful offender deferred sentence, or enters a
29 sentence, and suspends the sentence, and places the
30 youthful offender on probation, the term of formal
31 supervision shall commence upon entry of the order by
32 the district court and may continue for a period not
33 to exceed five years. If the district court enters a
34 sentence of confinement, and the youthful offender was
35 previously placed in secure confinement by the juvenile
36 court under the terms of the initial disposition order
37 or any modification to the initial disposition order,
38 the person shall receive credit for any time spent in
39 secure confinement. During any period of probation
40 imposed by the district court, a youthful offender who
41 violates the terms of probation is subject to section
42 908.11.

43 DIVISION XIV

44 STATE BOARD OF REGENTS

45 Sec. 143. Section 8D.10, Code 2011, is amended to
46 read as follows:

47 8D.10 Report of savings by state agencies.

48 A state agency which is a part of the network shall
49 annually provide a written report to the general
50 assembly certifying the identified savings associated

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1 with the state agency's use of the network. The report
2 shall be delivered on or before January 15 for the
3 previous fiscal year of the state agency. This section
4 does not apply to the state board of regents or to
5 any institution under control of the state board of
6 regents.

7 Sec. 145. Section 262.93, Code 2011, is amended to
8 read as follows:

9 262.93 Reports to general assembly.

10 The college student aid commission and the state
11 board of regents each shall submit to the general
12 assembly, by January 15 of each year, a report on
13 the progress and implementation of the programs
14 which they administer under sections 261.102 through
15 261.105, ~~262.82~~, and 262.92. By January 31 of each
16 year, the state board of regents shall submit a report
17 to the general assembly regarding the progress and
18 implementation of the program administered pursuant to
19 section 262.82. The reports shall include, but are
20 not limited to, the numbers of students and educators
21 participating in the programs and allocation of funds
22 appropriated for the programs.

23 Sec. 146. Section 263.19, Code 2011, is amended to
24 read as follows:

25 263.19 Purchases.

26 Any purchase ~~in excess of ten thousand dollars,~~
27 of materials, appliances, instruments, or supplies by
28 the university of Iowa hospitals and clinics, ~~when the~~
29 ~~price of the materials, appliances, instruments, or~~
30 ~~supplies to be purchased is subject to competition,~~
31 shall be made pursuant to open competitive quotations,
32 and all contracts for such purchases shall be ~~subject~~
33 ~~to chapter 72.~~ However, purchases may be made through
34 a hospital group purchasing organization provided
35 that the university of Iowa hospitals and clinics
36 is a member of the organization in compliance with
37 purchasing policies of the state board of regents.

38 Sec. 147. Section 432.13, Code 2011, is amended to
39 read as follows:

40 432.13 Premium tax exemption — hawk-i program —
41 state employee benefits.

42 1. Premiums collected by participating insurers
43 under chapter 514I are exempt from premium tax.

44 2. Premiums received for benefits acquired
45 on behalf of state employees by the department of
46 administrative services ~~on behalf of state employees~~
47 pursuant to section 8A.402, subsection 1, and by the
48 state board of regents pursuant to chapter 262,
49 exempt from premium tax.

50

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1 SALES AND USE TAX

2 Sec. 148. Section 423.1, subsection 47, Code
3 Supplement 2011, is amended to read as follows:
4 47. "Retailer" means and includes every person
5 engaged in the business of selling tangible personal
6 property or taxable services at retail, or the
7 furnishing of gas, electricity, water, or communication
8 service, and tickets or admissions to places of
9 amusement and athletic events or operating amusement
10 devices or other forms of commercial amusement
11 from which revenues are derived and includes but is
12 not limited to every retailer maintaining a place
13 of business in this state. However, when in the
14 opinion of the director it is necessary for the
15 efficient administration of this chapter to regard any
16 salespersons, representatives, truckers, peddlers,
17 or canvassers as agents of the dealers, distributors,
18 supervisors, employers, or persons under whom they
19 operate or from whom they obtain tangible personal
20 property sold by them irrespective of whether or not
21 they are making sales on their own behalf or on behalf
22 of such dealers, distributors, supervisors, employers,
23 or persons, the director may so regard them, and
24 may regard such dealers, distributors, supervisors,
25 employers, or persons as retailers for the purposes of
26 this chapter. "Retailer" includes a seller obligated
27 to collect sales or use tax.

28 Sec. 149. Section 423.1, subsection 48, Code
29 Supplement 2011, is amended to read as follows:
30 48. a. "Retailer maintaining a place of business
31 in this state" or any like term includes any retailer
32 having or maintaining within this state, directly
33 or by a subsidiary, an office, distribution house,
34 sales house, warehouse, or other place of business,
35 or any representative operating within this state
36 under the authority of the retailer or its subsidiary,
37 irrespective of whether that place of business
38 or representative is located here permanently or
39 temporarily, or whether the retailer or subsidiary is
40 admitted to do business within this state pursuant to
41 chapter 490.

42 b. (1) A retailer shall be presumed to be
43 maintaining a place of business in this state, as
44 defined in paragraph "a", if any person that has
45 substantial nexus in this state, other than a person
46 acting in its capacity as a common carrier, does any
47 of the following:

48 (a) Sells a similar line of products as the
49 retailer and does so under the same or similar business
50 name.

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1 (b) Maintains an office, distribution facility,
2 warehouse, storage place, or similar place of business
3 in this state to facilitate the delivery of property
4 or services sold by the retailer to the retailer's
5 customers.

6 (c) Uses trademarks, service marks, or trade
7 names in this state that are the same or substantially
8 similar to those used by the retailer.

9 (d) Delivers, installs, assembles, or performs
10 maintenance services for the retailer's customers.

11 (e) Facilitates the retailer's delivery of
12 property to customers in this state by allowing the
13 retailer's customers to take delivery of property sold
14 by the retailer at an office, distribution facility,
15 warehouse, storage place, or similar place of business
16 maintained by the person in this state.

17 (f) Conducts any other activities in this state
18 that are significantly associated with the retailer's
19 ability to establish and maintain a market in this
20 state for the retailer's sales.

21 (2) The presumption established in this paragraph
22 may be rebutted by a showing of proof that the
23 person's activities in this state are not significantly
24 associated with the retailer's ability to establish
25 or maintain a market in this state for the retailer's
26 sales.

27 Sec. 150. NEW SECTION. 423.13A Administration —
28 effectiveness of agreements with retailers.

29 1. Notwithstanding any provision of this chapter
30 to the contrary, any ruling, agreement, or contract,
31 whether written or oral, express or implied, entered
32 into after the effective date of this division of
33 this Act between a retailer and a state agency which
34 provides that a retailer is not required to collect
35 sales and use tax in this state despite the presence
36 in this state of a warehouse, distribution center, or
37 fulfillment center that is owned and operated by the
38 retailer or an affiliate of the retailer shall be null
39 and void unless such ruling, agreement, or contract
40 is approved by a majority vote of both houses of the
41 general assembly.

42 2. For purposes of this section, "state agency"
43 means the executive branch, including any executive
44 department, commission, board, institution, division,
45 bureau, office, agency, or other entity of state
46 government. "State agency" does not mean the general
47 assembly, or the judicial branch as provided in section
48 602.1102.

49 Sec. 151. Section 423.36, Code 2011, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 1A. a. Notwithstanding subsection
2 1, if any person will make taxable sales of tangible
3 personal property or furnish services to any state
4 agency, that person shall, prior to the sale, apply
5 for and receive a permit to collect sales or use tax
6 pursuant to this section. A state agency shall not
7 purchase tangible personal property or services from
8 any person unless that person has a valid, unexpired
9 permit issued pursuant to this section and is in
10 compliance with all other requirements in this chapter
11 imposed upon retailers, including but not limited to
12 the requirement to collect and remit sales and use tax
13 and file sales tax returns.

14 b. For purposes of this subsection, “state
15 agency” means any executive, judicial, or legislative
16 department, commission, board, institution, division,
17 bureau, office, agency, or other entity of state
18 government.

19 DIVISION XVI

20 COMMERCIAL ESTABLISHMENT FUND

21 Sec. 152. Section 162.2, Code 2011, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 12A. “Dispositional expenses” means
24 the same as defined in section 717B.1.

25 NEW SUBSECTION. 16A. “Local authority” means the
26 same as defined in section 717B.1.

27 Sec. 153. Section 162.2C, Code 2011, is amended by
28 adding the following new subsections:

29 NEW SUBSECTION. 2A. The fiscal year of the fund
30 begins July 1 and ends June 30. Fiscal quarters of the
31 fund begin July 1, October 1, January 1, and April 1.

32 NEW SUBSECTION. 2B. The fund shall include two
33 accounts, a general account and a dispositional
34 account.

35 a. Except as provided in paragraph “b”, the general
36 account is composed of all moneys deposited in the fund
37 as provided in subsection 2. The department shall
38 utilize moneys in the general account to provide for
39 the administration and enforcement of this chapter.

40 b. The dispositional account is composed of all
41 fees collected pursuant to section 162.2B, until the
42 department determines that the account has achieved
43 a threshold of at least two hundred fifty thousand
44 dollars. At the end of each fiscal quarter the
45 department shall determine the balance of unencumbered
46 and unobligated moneys in the account, and may transfer
47 any moneys in the account exceeding the threshold to
48 the general account. The department shall return
49 any unexpended and unobligated moneys expended from
50 the dispositional account back to that account, or

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1 the general account if the dispositional account's
2 threshold is achieved.

3 Sec. 154. NEW SECTION. 162.2D Payment of
4 dispositional expenses incurred by local authorities.

5 1. Moneys deposited into the dispositional account
6 of the commercial establishment fund created in section
7 162.2C are appropriated to the department to pay
8 eligible claims submitted to the department by local
9 authorities for dispositional expenses incurred by
10 the local authority, including by providing for the
11 maintenance of a vertebrate animal subject to a court
12 hearing pursuant to section 717B.4 or rescued pursuant
13 to section 717B.5. This section does not apply to
14 livestock as defined in section 717.1.

15 2. The department shall pay an eligible claim
16 according to procedures adopted by departmental
17 rule. In order for a claim to be eligible, all of the
18 following must apply:

19 a. At the time of the hearing for the disposition
20 of the vertebrate animal or the rescue of the
21 vertebrate animal, the vertebrate animal must have been
22 possessed or controlled by a commercial establishment
23 that possessed or controlled more than twenty
24 vertebrate animals at any one time during the prior
25 twelve months.

26 b. The commercial establishment must be required to
27 operate pursuant to an authorization issued or renewed
28 pursuant to section 162.2A, regardless of whether the
29 commercial establishment is actually issued or renewed
30 such authorization.

31 c. The dispositional expenses must be actually
32 and reasonably incurred by the local authority,
33 including by an animal care provider providing for the
34 maintenance of the vertebrate animal under contract
35 with the local authority.

36 d. The local authority must submit the claim to the
37 department according to procedures established by rules
38 adopted by the department. A claim is not eligible
39 if submitted twelve months or more after the local
40 authority has incurred its final dispositional expense.

41 3. A claim is eligible for payment even if any of
42 the following applies:

43 a. The responsible party has posted a bond or
44 other security with the local authority as provided in
45 section 717B.4.

46 b. The local authority may receive a future payment
47 for the dispositional expense from a responsible party
48 as provided in section 717B.4.

49 4. Upon a determination that the claim is eligible,
50 the department shall provide for payment to the local

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1 authority of one hundred percent of the claimed amount.
 2 If there are insufficient moneys in the dispositional
 3 account to make full payment of all eligible claims,
 4 the department shall prorate the payment amounts and
 5 defer the remaining payment until the dispositional
 6 account again contains sufficient moneys.
 7 5. A local authority shall repay the department
 8 the claimed amount as provided in subsection 4 from
 9 any moneys received by the local authority from a
 10 responsible party for dispositional expenses pursuant
 11 to section 717B.4. The department shall deposit the
 12 moneys in the commercial establishment fund as provided
 13 in section 162.2C.
 14 Sec. 155. Section 717B.1, Code 2011, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 3A. "Department" means the
 17 department of agriculture and land stewardship.
 18 Sec. 156. NEW SECTION. 717B.5A Dispositional
 19 expenses — commercial establishment fund.
 20 A local authority may submit a claim to the
 21 department to pay for dispositional expenses incurred
 22 by the local authority if the local authority complies
 23 with the requirements provided in section 162.2D.>
 24 2. Title page, by striking lines 1 through 5 and
 25 inserting <An Act relating to state and local finances
 26 by making and adjusting appropriations, providing for
 27 funding of property tax credits and reimbursements and
 28 for other matters pertaining to taxation, providing
 29 for fees and criminal penalties, providing for legal
 30 responsibilities, providing for certain insurance and
 31 employee benefits, and providing for properly related
 32 matters, and including effective date and retroactive
 33 and other applicability provisions.>
 34 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-5237

1 Amend the amendment, S-5183, to Senate File 2293,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, after line 2 by inserting:
 5 <__. Page 2, after line 6 by inserting:
 6 <Sec. __. Section 505.8, Code Supplement 2011, is
 7 amended by adding the following new subsection:
 8 NEW SUBSECTION. 6A. The commissioner shall
 9 establish a bureau, to be known as the "health
 10 insurance and cost containment bureau", as provided in

11 section 505.20.>

12 _____. Page 2, after line 15 by inserting:

13 <Sec. _____. NEW SECTION. 505.20 Health insurance
14 and cost containment bureau — advisory board.

15 1. a. The commissioner shall establish a
16 bureau, to be known as the “health insurance and cost
17 containment bureau”, for the purpose of creating
18 methodologies to hold health carriers accountable
19 for the fair treatment of health care providers and
20 developing affordability standards for health carriers
21 that direct carriers to promote improved accessibility,
22 quality, and affordability of health care.

23 b. The commissioner shall employ professional and
24 clerical staff to carry out the purposes and functions
25 of the bureau.

26 c. The commissioner shall adopt rules under chapter
27 17A, in collaboration with the health insurance and
28 cost containment advisory board, to administer and
29 implement the purposes and functions of the bureau.

30 2. a. A health insurance and cost containment
31 advisory board is created to assist the commissioner
32 in carrying out the purposes of the bureau. The
33 advisory board shall consist of seven voting members
34 and seven nonvoting members. The voting members shall
35 be appointed by the governor, subject to confirmation
36 by the senate. The governor shall designate one voting
37 member as chairperson and one as vice chairperson.

38 b. The voting members of the advisory board shall
39 be appointed by the governor as follows:

40 (1) Two persons who represent the interests of
41 small business from nominations made to the governor
42 by nationally recognized groups that represent the
43 interests of small business.

44 (2) Two persons who represent the interests of
45 consumers from nominations made to the governor
46 by nationally recognized groups that represent the
47 interests of consumers.

48 (3) One person who is an insurance producer
49 licensed under chapter 522B.

50 (4) One person who is a health care actuary or

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1 economist with expertise in health insurance.

2 (5) One person who is a health care provider.

3 c. The nonvoting members are as follows:

4 (1) The commissioner of insurance or the
5 commissioner’s designee.

6 (2) The director of human services or the
7 director’s designee.

8 (3) The director of public health or the director’s
9 designee.

10 (4) Four members of the general assembly,
11 one appointed by the speaker of the house of
12 representatives, one appointed by the minority leader
13 of the house of representatives, one appointed by the
14 majority leader of the senate, and one appointed by the
15 minority leader of the senate.

16 d. Meetings of the advisory board shall be held at
17 the call of the chairperson or upon the request of at
18 least two voting members. Four voting members shall
19 constitute a quorum and the affirmative vote of four
20 voting members shall be necessary for any action taken
21 by the advisory board.

22 e. The voting members of the advisory board shall
23 be appointed for staggered terms of three years within
24 sixty days after the effective date of this Act and by
25 December 15 of each year thereafter. The initial terms
26 of the voting members of the advisory board shall be
27 staggered at the discretion of the governor. A voting
28 member of the board is eligible for reappointment. The
29 governor shall fill a vacancy on the board in the same
30 manner as the original appointment for the remainder
31 of the term.

32 f. Voting members of the advisory board may be
33 reimbursed from the moneys collected from assessment
34 fees for the administration of the bureau and the
35 advisory board pursuant to subsection 7, for actual
36 and necessary expenses incurred in the performance of
37 their duties, but shall not be otherwise compensated
38 for their services.

39 g. It shall be the duty of the advisory board to
40 assist the bureau in carrying out the purposes and
41 functions of the bureau by making recommendations for
42 the creation of methodologies that hold health carriers
43 in the state accountable for the fair treatment of
44 health care providers and developing affordability
45 standards for health carriers that direct such carriers
46 to promote improved accessibility, quality, and
47 affordability of health care. The advisory board shall
48 also offer input to the commissioner regarding proposed
49 rules, the operation of the bureau, and any other
50 topics relevant to administering and implementing the

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1 purposes and functions of the bureau.

2 3. a. Health care affordability efforts shall
3 initially focus on the primary care level of care in
4 an effort to create a stronger primary care system and
5 greater supply of more highly compensated primary care
6 providers by targeting more funding to primary care.

7 b. Beginning on December 31, 2013, and each year
8 thereafter, each health carrier shall report to the

9 bureau, in a format and including information as
10 required by the commissioner by rule, the carrier's
11 proportion of medical expense paid for primary care
12 for the previous twelve months and the proportion of
13 medical expense to be allocated to primary care for
14 the succeeding twelve months beginning on January 1,
15 2014, and each year thereafter. The proportion of
16 medical expense paid for primary care shall increase by
17 at least one percentage point per year for five years
18 beginning on January 1, 2014.

19 c. Each health carrier shall submit a plan to
20 the bureau each year in a format and including
21 information as required by the commissioner by rule,
22 that demonstrates how the increase in spending for
23 primary care will be accomplished. The increase in
24 spending for primary care shall be accomplished without
25 contributing to an increase in premiums.

26 4. Each health carrier shall support the
27 implementation of the medical home system as developed
28 and implemented by the department of public health and
29 the medical home system advisory council pursuant to
30 sections 135.157, 135.158, and 135.159, by implementing
31 the phase of the medical home system pursuant to
32 section 135.159, subsection 11, that involves insurers
33 and self-insured companies in making the medical
34 home system available to individuals with private
35 health care coverage. The health insurance and cost
36 containment advisory board shall work collaboratively
37 with the medical home system advisory council to
38 implement this phase. In addition to the reimbursement
39 methodologies and incentives for participation in the
40 medical home system described in section 135.159,
41 subsection 8, the advisory board and the medical
42 home system advisory council shall review additional
43 payment and system reforms to support the expanded
44 implementation of the medical home system including but
45 not limited to all of the following:

- 46 a. Rewarding high-quality, low-cost providers.
- 47 b. Creating participant incentives to receive care
48 from high-quality, low-cost providers.
- 49 c. Fostering collaboration among providers to
50 reduce cost shifting from one part of the health care

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1 continuum to another.

2 d. Creating incentives for providing health care in
3 the least restrictive, most appropriate setting.

4 e. Creating incentives to promote diversity in
5 the size, geographic location, and accessibility of
6 practices designated as medical homes throughout the
7 state.

8 5. Each health carrier shall demonstrate by
9 December 31, 2013, implementation of incentives
10 consistent with the efforts of the department of public
11 health and the electronic health information advisory
12 council and executive committee pursuant to section
13 135.156 to promote adoption of electronic health
14 records by health care providers at all levels of the
15 health care continuum. Health carriers shall submit a
16 report to the bureau by December 31, 2014, concerning
17 the incentive programs that have been implemented in
18 a format and including information as required by the
19 commissioner by rule.

20 6. Each health carrier shall participate in efforts
21 regarding comprehensive delivery system reform,
22 including payment reform, in coordination with other
23 payers and health care providers.

24 a. As an initial step to inform such efforts,
25 the bureau and advisory board shall develop a plan
26 to implement an all-payer claims database by December
27 31, 2013, to provide for the collection and analysis
28 of claims data from multiple payers of health care
29 delivered at all levels including but not limited to
30 primary care, specialist care, outpatient surgery,
31 inpatient stays, laboratory testing, and pharmacy
32 data. The plan shall provide for development and
33 implementation of a database that complies with any
34 applicable requirements of the federal Act and that
35 most effectively and efficiently provides data to
36 determine health care utilization patterns and rates;
37 identify gaps in prevention and health promotion
38 services; evaluate access to care; assist with benefit
39 design and planning; analyze statewide and local health
40 care expenditures by provider, employer, and geography;
41 inform the development of payment systems for
42 providers; and establish clinical guidelines related
43 to quality, safety, and continuity of care. The
44 bureau shall submit the plan to the general assembly
45 by December 31, 2012, including statutory changes
46 necessary to collect and use such data, a standard
47 means of collecting the data, an implementation
48 and maintenance schedule, and a proposed budget and
49 financing options for the database.

50 b. The bureau and advisory board shall also

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1 recommend a provider payment system plan to reform the
2 health care provider payment system beyond primary care
3 providers, including but not limited to specialty care,
4 hospital, and long-term care providers, as an effective
5 way to promote coordination of care, lower costs, and
6 improve quality.

7 7. a. Funding to operate the bureau and the
8 advisory board shall come from federal and private
9 grants and from assessment fees charged to health
10 carriers. The commissioner shall charge an assessment
11 fee to all health carriers in this state, as necessary
12 to support the activities and operations of the bureau
13 and the advisory board as provided under this section.
14 No state funding shall be appropriated or allocated for
15 the operation or administration of the bureau or the
16 advisory board. The assessment shall provide for the
17 sharing of bureau and advisory board expenses on an
18 equitable and proportionate basis among health carriers
19 in the state as provided in this subsection.

20 b. Following the close of each calendar year, the
21 commissioner shall determine the expenses for operation
22 and administration of the bureau and the advisory
23 board. The expenses incurred shall be assessed by
24 the commissioner to all health carriers in proportion
25 to their respective shares of total health insurance
26 premiums or payments for subscriber contracts received
27 in Iowa during the second preceding calendar year, or
28 with paid losses in the year, coinciding with or ending
29 during the calendar year or on any other equitable
30 basis as provided by rule. In sharing expenses,
31 the commissioner may abate or defer in any part the
32 assessment of a health carrier, if, in the opinion
33 of the commissioner, payment of the assessment would
34 endanger the ability of the health carrier to fulfill
35 its contractual obligations. The commissioner may also
36 provide for an initial or interim assessment against
37 health carriers if necessary to assure the financial
38 capability of the commissioner to meet the incurred
39 or estimated operating expenses of the bureau and
40 the advisory board until the next calendar year is
41 completed.

42 c. For purposes of this subsection, "total health
43 insurance premiums" and "payments for subscriber
44 contracts" include, without limitation, premiums or
45 other amounts paid to or received by a health carrier
46 for individual and group health plan care coverage
47 provided under any chapter of the Code or Acts, and
48 "paid losses" includes, without limitation, claims paid
49 by a health carrier operating on a self-funded basis
50 for individual and group health plan care coverage

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1 provided under any chapter of the Code or Acts. For
2 purposes of calculating and conducting the assessment,
3 the commissioner shall have the express authority
4 to require health carriers to report on an annual
5 basis each health carrier's total health insurance

6 premiums and payments for subscriber contracts and
7 paid losses. A health carrier is liable for its share
8 of the assessment calculated in accordance with this
9 subsection regardless of whether it participates in the
10 individual insurance market.

11 8. The commissioner shall keep an accurate
12 accounting of all activities, receipts, and
13 expenditures of the bureau and advisory board and
14 annually submit to the governor, the general assembly,
15 and the public, a report concerning such accounting.

16 9. The bureau and the advisory board shall
17 coordinate their activities with the Iowa Medicaid
18 enterprise of the department of human services,
19 the department of revenue, the department of public
20 health, and the insurance division of the department
21 of commerce to ensure that the state fulfills the
22 requirements of the federal Act and to ensure that
23 in the event that a health insurance exchange is
24 established in the state, the functions and activities
25 of the bureau and the advisory board can be seamlessly
26 integrated into the exchange.

27 10. As used in this section, unless the context
28 otherwise requires:

29 a. "Advisory board" means the health insurance and
30 cost containment advisory board.

31 b. "Bureau" means the health insurance and cost
32 containment bureau.

33 c. "Commissioner" means the commissioner of
34 insurance.

35 d. "Federal Act" means the federal Patient
36 Protection and Affordable Care Act, Pub. L. No.
37 111-148, as amended by the federal Health Care and
38 Education Reconciliation Act of 2010, Pub. L. No.
39 111-152, and any amendments thereto, or regulations or
40 guidance issued under those Acts.

41 e. "Health care provider" means a physician who is
42 licensed under chapter 148, or a person who is licensed
43 as a physician assistant under chapter 148C or as an
44 advanced registered nurse practitioner.

45 f. "Health carrier" means an entity subject to the
46 insurance laws and rules of this state, or subject to
47 the jurisdiction of the commissioner, that contracts
48 or offers to contract to provide, deliver, arrange
49 for, pay for, or reimburse any of the costs of health
50 care services, including an insurance company offering

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1 sickness and accident plans, a health maintenance
2 organization, a nonprofit hospital or health service
3 corporation, or any other entity providing a plan of
4 health insurance, health benefits, or health services.

5 g. (1) "Health insurance" means benefits consisting
 6 of health care provided directly, through insurance
 7 or reimbursement, or otherwise, and including items
 8 and services paid for as health care under a hospital
 9 or health service policy or certificate, hospital or
 10 health service plan contract, or health maintenance
 11 organization contract offered by a carrier.

12 (2) "Health insurance" does not include any of the
 13 following:

14 (a) Coverage for accident-only or disability income
 15 insurance.

16 (b) Coverage issued as a supplement to liability
 17 insurance.

18 (c) Liability insurance, including general
 19 liability insurance and automobile liability insurance.

20 (d) Workers' compensation or similar insurance.

21 (e) Automobile medical-payment insurance.

22 (f) Credit-only insurance.

23 (g) Coverage for on-site medical clinic care.

24 (h) Other similar insurance coverage, specified in
 25 federal regulations, under which benefits for medical
 26 care are secondary or incidental to other insurance
 27 coverage or benefits.

28 (3) "Health insurance" does not include benefits
 29 provided under a separate policy as follows:

30 (a) Limited scope dental or vision benefits.

31 (b) Benefits for long-term care, nursing home care,
 32 home health care, or community-based care.

33 (c) Any other similar limited benefits as provided
 34 by rule of the commissioner.

35 (4) "Health insurance" does not include benefits
 36 offered as independent noncoordinated benefits as
 37 follows:

38 (a) Coverage only for a specified disease or
 39 illness.

40 (b) A hospital indemnity or other fixed indemnity
 41 insurance.

42 (5) "Health insurance" does not include Medicare
 43 supplemental health insurance as defined under section
 44 1882(g)(1) of the federal Social Security Act, coverage
 45 supplemental to the coverage provided under 10 U.S.C.
 46 ch. 55, or similar supplemental coverage provided to
 47 coverage under group health insurance coverage.

48 (6) "Group health insurance coverage" means health
 49 insurance offered in connection with a group health
 50 plan.>>

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1 2. Page 1, after line 4 by inserting:

2 <__. Page 9, after line 5 by inserting:

3 <Sec. __. NEW SECTION. 513B.16 Premium rate

- 4 increases — public hearing and comment.
- 5 1. All health insurance carriers licensed to
6 do business in the state under this chapter shall
7 immediately notify the commissioner and policyholders
8 of any proposed rate increase exceeding the average
9 annual health spending growth rate stated in the
10 most recent national health expenditure projection
11 published by the centers for Medicare and Medicaid
12 services of the United States department of health
13 and human services, at least ninety days prior to the
14 effective date of the increase. Such notice shall
15 specify the rate increase proposed that is applicable
16 to each policyholder and shall include ranking and
17 quantification of those factors that are responsible
18 for the amount of the rate increase proposed. The
19 notice shall include information about how the
20 policyholder can contact the consumer advocate for
21 assistance.
- 22 2. The commissioner shall hold a public hearing at
23 least thirty days before the proposed rate increase is
24 to take effect.
- 25 3. The consumer advocate shall solicit public
26 comments on each proposed health insurance rate
27 increase if the increase exceeds the average annual
28 health spending growth rate as provided in subsection
29 1, and shall post without delay during the normal
30 business hours of the division, all comments received
31 on the insurance division's internet site prior to the
32 effective date of the increase.
- 33 4. The consumer advocate shall present the public
34 testimony, if any, and public comments received,
35 for consideration by the commissioner prior to the
36 effective date of the increase.>>
- 37 3. Page 1, by striking lines 5 and 6 and inserting:
38 <__. Page 15, after line 14 by inserting:>
- 39 4. Page 8, by striking lines 25 and 26.
- 40 5. By renumbering as necessary.

MATT McCOY
JACK HATCH

S-5238

- 1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 2, by striking lines 2 through 8.
5 2. By renumbering as necessary.

BILL DIX

S-5239

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 11, after line 34 by inserting:
 5 <Sec. ____ Section 598.41, subsection 3, Code 2011,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. k. Whether a parent has allowed a
 8 person custody or control of, or unsupervised access
 9 to a child after knowing the person is required to
 10 register or is on the sex offender registry as a sex
 11 offender under chapter 692A.>
 12 2. By renumbering as necessary.

JACK WHITVER
 WILLIAM A. DOTZLER, JR.

S-5240

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 2 through 8.
 5 2. Page 2, after line 10 by inserting:
 6 <Sec. ____ FEDERAL CONSENT DECREE EXPENDITURES —
 7 REPORTING.
 8 1. The office of the attorney general is authorized
 9 to make expenditures of moneys received pursuant to
 10 the joint state federal mortgage servicing settlement
 11 consent decree signed in federal court on April 5,
 12 2012. Expenditures shall be consistent with the terms
 13 of the consent decree.
 14 2. The office of the attorney general shall
 15 submit a report to the general assembly detailing the
 16 expenditure of moneys for the previous calendar year
 17 and how the expenditures related to the implementation,
 18 monitoring, or enforcement of the settlement and how
 19 expenditures in the current and succeeding calendar
 20 year will be used for implementation, monitoring, or
 21 enforcement of the settlement. The initial report
 22 shall be submitted on or before January 15, 2013.>
 23 3. Page 3, after line 2 by inserting:
 24 <Sec. ____ HOMESTEAD CREDIT FUND — APPROPRIATION.
 25 1. There is appropriated from the taxpayers trust
 26 fund created in section 8.57E to the department of
 27 revenue for the fiscal year beginning July 1, 2012, and
 28 ending June 30, 2013, the following amount, or so much
 29 thereof as is necessary, to be used for the purposes
 30 designated:
 31 For deposit in the homestead credit fund created in
 32 section 425.1:

33	.....	\$	48,811,613
34	2. The appropriation made in this section is in		
35	lieu of an equal amount of the appropriation made		
36	from the general fund of the state for the fiscal		
37	year beginning July 1, 2012, and ending June 30,		
38	2013, pursuant to section 425.1, and shall be used for		
39	reimbursement for the homestead property tax.		
40	Sec. ____ AGRICULTURAL LAND CREDIT FUND —		
41	APPROPRIATION.		
42	1. There is appropriated from the taxpayers trust		
43	fund created in section 8.57E to the department of		
44	revenue for the fiscal year beginning July 1, 2012, and		
45	ending June 30, 2013, the following amount, or so much		
46	thereof as is necessary, to be used for the purposes		
47	designated:		
48	For deposit in the agricultural land credit fund		
49	created in section 426.1:		
50	\$	6,704,869

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1 2. The appropriation made in this section is in
2 lieu of an equal amount of the appropriation made
3 from the general fund of the state for the fiscal
4 year beginning July 1, 2012, and ending June 30,
5 2013, pursuant to section 426.1, and shall be used for
6 reimbursement for the family farm and agricultural land
7 tax credits under sections 425A.1 and 426.1.>

8 4. Page 3, before line 3 by inserting:
9 <Sec. ____ KEEP IOWA BEAUTIFUL FUND —
10 APPROPRIATION. There is appropriated from the general
11 fund of the state to the department of transportation
12 each fiscal year for the fiscal years beginning July
13 1, 2012, July 1, 2013, and July 1, 2014, an amount
14 equal to the excess revenues transferred from the
15 lottery fund to the general fund after the first
16 \$64,900,000 is transferred during a fiscal year. The
17 amount appropriated in a fiscal year shall not exceed
18 \$1,000,000. Moneys appropriated pursuant to this
19 section shall be deposited in the keep Iowa beautiful
20 fund created in section 314.28.>

21 5. Page 3, after line 2 by inserting:
22 <Sec. ____ PLUMBERS — LICENSE EXTENSIONS. Until
23 January 1, 2013, the plumbing and mechanical systems
24 board shall grant a one-time renewal of an expired
25 license if the person holding the expired license
26 demonstrates successful passage of a municipal or block
27 examination. For any licensee receiving a renewal
28 under this section, the board shall clearly state in
29 any correspondence for succeeding license renewals that
30 the provisions of Code section 105.20 shall apply.>

31 6. By striking page 3, line 42, through page 4,

32 line 2.

33 7. Page 4, after line 4 by inserting:

34 <Sec. ____ Section 16.27, subsection 6, Code 2011,
35 is amended to read as follows:

36 6. The authority shall cause to be delivered to
37 the legislative fiscal committee within ninety days
38 of the close of its fiscal year its annual report
39 certified by an independent certified public accountant
40 (who may be the accountant or a member of the firm
41 of accountants who regularly audits the books and
42 accounts of the authority) selected by the authority.
43 ~~In the event that the principal amount of any bonds or
44 notes deposited in a bond reserve fund is withdrawn
45 for payment of principal or interest thereby reducing
46 the amount of that fund to less than the bond reserve
47 fund requirement, the authority shall immediately
48 notify the general assembly of this event and shall
49 thereafter take steps to restore such bond reserve to
50 the bond reserve fund requirement for that fund from~~

Page 3

1 ~~any amounts available, other than principal of a bond
2 issue, which are not pledged to the payment of other
3 bonds or notes.>~~

4 8. Page 9, by striking lines 5 through 24.

5 9. Page 9, after line 36 by inserting:

6 <Sec. ____ Section 403.19, subsection 2, paragraph
7 b, subparagraph (2), subparagraph division (a), if
8 enacted by 2012 Iowa Acts, House File 2460, is amended
9 to read as follows:

10 (a) All or a portion of the taxes for the
11 instructional support program levy of a school
12 district shall be paid by the school district to the
13 municipality if the auditor, pursuant to subsection 11,
14 certifies to the school district by July 1 the amount
15 of such levy that is necessary to pay the principal and
16 interest on bonds issued or other indebtedness incurred
17 by the municipality to finance an urban renewal project
18 if such bonds or indebtedness were issued or incurred
19 on or before April 24, 2012. Indebtedness incurred
20 after April 24, 2012, to refund bonds issued or other
21 indebtedness incurred on or before April 24, 2012, may
22 be included in the certification. Such school district
23 shall pay over the amount certified by November 1 and
24 May 1 of the fiscal year following certification to the
25 school district. The authority of a municipality to
26 pay the amounts of principal and interest on such bonds
27 issued or other indebtedness incurred on or before
28 April 24, 2012, from sources other than the portion of
29 taxes described in subsection 2, paragraph "a", shall
30 not exclude such amounts of principal and interest from

31 being deemed necessary for payment from the portion of
 32 taxes described in subsection 2, paragraph "a".>

33 10. Page 10, by striking lines 9 and 10 and
 34 inserting <income taxes directly to the individual.
 35 The amount>

36 11. Page 10, line 23, by striking <projects> and
 37 inserting <tax credits reserved for a fiscal year>

38 12. Page 12, by striking lines 20 and 21.

39 13. Page 12, after line 35 by inserting:

40 <__. The section of this division of this Act
 41 authorizing expenditures by the attorney general's
 42 office.>

43 14. Page 23, after line 6 by inserting:

44 <Sec. __. LABOR MANAGEMENT COUNCILS.

45 1. There is appropriated from the general fund of
 46 the state to the department of workforce development
 47 for the fiscal year beginning July 1, 2011, and ending
 48 June 30, 2012, the following amounts, or so much
 49 thereof as is necessary, to be used for the purposes
 50 designated:

Page 4

1	a. For support of a labor management council that	
2	has been in existence for at least 20 years and is	
3	located in a county with a population of more than	
4	93,650 and less than 93,700:	
5	.....	\$ 23,000

6	b. For support of a labor management council that	
7	has been in existence for at least 20 years and is	
8	located in a county with a population of more than	
9	165,200 and less than 165,250:	
10	.....	\$ 15,000

11 2. Notwithstanding section 8.33, moneys
 12 appropriated in this section that remain unencumbered
 13 or unobligated at the close of the fiscal year shall
 14 not revert but shall remain available for expenditure
 15 for the purposes designated until the close of the
 16 succeeding fiscal year.>

17 15. Page 26, after line 46 by inserting:

18 <y. One member who is an employee of the state
 19 department of transportation serving in a law
 20 enforcement capacity appointed by the director of
 21 transportation.>

22 16. Page 30, by striking lines 29 and 30 and
 23 inserting <with the local assessor by February>

24 17. Page 30, line 35, after <years> by inserting <
 25 in which case the exemption is allowed for the total
 26 number of years in the exemption schedule>

27 18. By renumbering as necessary.

S-5241

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 54, after line 23 by inserting:

5 <DIVISION ____
6 AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS

7 Sec. ____ Section 321.1, Code Supplement 2011, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 95. “Automated traffic law
10 enforcement system” means a device with one or more
11 sensors working in conjunction with one of the
12 following:

13 a. An official traffic-control signal, to produce
14 recorded images of motor vehicles entering an
15 intersection against a steady circular red light.

16 b. A speed measuring device, to produce recorded
17 images of motor vehicles traveling at a prohibited rate
18 of speed.

19 c. A railroad grade crossing signal light, as
20 described in section 321.342, to produce images of
21 vehicles violating the signal light.

22 d. Any official traffic-control device, if failure
23 to comply with the official traffic-control device
24 constitutes a violation under this chapter.

25 Sec. ____ NEW SECTION. 321.5A Automated traffic
26 law enforcement systems prohibited.

27 The department or a local authority shall not place
28 or cause to be placed on or adjacent to a highway, or
29 maintain or employ the use of, an automated traffic law
30 enforcement system for the enforcement of any provision
31 of this chapter or any local ordinance relating to
32 motor vehicles.

33 Sec. ____ REMOVAL OF AUTOMATED TRAFFIC LAW
34 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES
35 AND CITATIONS. On or before July 1, 2012, a local
36 authority using an automated traffic law enforcement
37 system shall discontinue using the system and remove
38 the system equipment. Effective July 1, 2012, all
39 local ordinances authorizing the use of an automated
40 traffic law enforcement system are void. However,
41 notices of violations mailed or citations issued
42 pursuant to such an ordinance prior to July 1, 2012,
43 shall not be invalidated by the enactment of this
44 division of this Act and shall be processed according
45 to the provisions of the law under which they were
46 authorized.

47 Sec. ____ EFFECTIVE UPON ENACTMENT. The section
48 of this division of this Act relating to the removal
49 of automated traffic law enforcement systems and the
50 validity of prior notices and citations, being deemed

Page 2

- 1 of immediate importance, takes effect upon enactment.>>
- 2 2. By renumbering as necessary.

BRAD ZAUN
JAMES F. HAHN
MARK CHELGREN
KENT SORENSON
SANDRA GREINER
PAT WARD
JACK WHITVER
JAMES A. SEYMOUR
ROBERT BACON
NANCY J. BOETTGER
DAVID JOHNSON
JERRY BEHN

S-5242

- 1 Amend the amendment, S-5236, to House File 2465,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 10, after line 2 by inserting:
- 5 <Sec. ____ Section 421.60, subsection 2, paragraph
- 6 i, Code Supplement 2011, is amended to read as follows:
- 7 i. (1) The director may, at any time, abate any
- 8 unpaid portion of assessed tax, interest, or penalties
- 9 which the director determines is erroneous, illegal,
- 10 or excessive.
- 11 (2) The director may, at any time, abate any
- 12 unpaid portion of assessed interest upon a showing of
- 13 substantial evidence by the taxpayer of any of the
- 14 following conditions:
- 15 (a) The assessment of interest was due to
- 16 unreasonable delay by the department.
- 17 (b) The assessment of interest was due to an
- 18 erroneous refund that was not in any way caused by the
- 19 taxpayer.
- 20 (c) The assessment of interest was due to
- 21 applicable, documented, written advice from the
- 22 department that was relied upon by the taxpayer,
- 23 which advice was provided specifically to the taxpayer
- 24 pursuant to a written request from the taxpayer,
- 25 and which advice has not been superseded by a court
- 26 decision, ruling by a quasi-judicial body, or the
- 27 adoption, amendment, or repeal of a rule of law.
- 28 (d) The assessment of interest was due to
- 29 applicable, documented, written advice or position
- 30 by the department or another state agency that was
- 31 reasonably relied upon by the taxpayer, which advice or
- 32 position has not been superseded by a court decision.

33 ruling by a quasi-judicial body, or the adoption,
 34 amendment, or repeal of a rule of law.
 35 (3) The director shall prepare quarterly reports
 36 summarizing each case in which abatement of tax,
 37 interest, or penalties was made. However, the report
 38 shall not disclose the identity of the taxpayer.>
 39 2. By renumbering as necessary.

BRAD ZAUN
 JAMES A. SEYMOUR

S-5243

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 6, after line 37 by inserting:
 5 <Sec. ____ Section 123.49, subsection 2, paragraph
 6 d, Code Supplement 2011, is amended to read as follows:
 7 d. (1) Keep on premises covered by a liquor
 8 control license any alcoholic liquor in any container
 9 except the original package purchased from the
 10 division, and except mixed drinks or cocktails mixed on
 11 the premises for immediate consumption on the licensed
 12 premises or as otherwise provided by this paragraph
 13 “d”. This prohibition does not apply to common
 14 carriers holding a class “D” liquor control license.
 15 (2) Mixed drinks or cocktails mixed on the premises
 16 that are not for immediate consumption may be consumed
 17 on the licensed premises subject to the requirements
 18 of this subparagraph pursuant to rules adopted by the
 19 division. The rules shall provide that the mixed
 20 drinks or cocktails be stored, for no longer than
 21 seventy-two hours, in a labeled container in a quantity
 22 that does not exceed three gallons. The rules shall
 23 also provide that added flavors and other nonbeverage
 24 ingredients included in the mixed drinks or cocktails
 25 shall not include hallucinogenic substances or added
 26 caffeine or other added stimulants including but not
 27 limited to guarana, ginseng, and taurine. In addition,
 28 the rules shall require that the licensee keep records
 29 as to when the contents in a particular container were
 30 mixed and the recipe used for that mixture.>
 31 2. By renumbering as necessary.

RICK BERTRAND

S-5244

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 10, after line 29 by inserting:
 5 <Sec. ____ Section 423.3, subsection 78, paragraph
 6 c, Code Supplement 2011, is amended to read as follows:
 7 c. This exemption does not apply to the sales price
 8 from games of skill, games of chance, raffles, and
 9 bingo games as defined in chapter 99B. However, this
 10 exemption does apply to the sales price from raffles
 11 as defined in chapter 99B conducted by a qualified
 12 organization representing veterans that is exempt from
 13 federal income tax under section 501(c)(19) of the
 14 Internal Revenue Code if the profits from the sales
 15 price are used for educational purposes to include
 16 providing scholarships.
 17 d. This exemption is disallowed on the amount of
 18 the sales price only to the extent the profits from the
 19 sales, rental, or services are not used by or donated
 20 to the appropriate entity and expended for educational,
 21 religious, or charitable purposes.>>
 22 2. By renumbering as necessary.

TIM L. KAPUCIAN
 ROBERT BACON
 NANCY J. BOETTGER
 JAMES A. SEYMOUR
 SANDRA GREINER
 MARK CHELGREN
 KENT SORENSON
 RICK BERTRAND
 JAMES F. HAHN
 JONI ERNST
 BILL ANDERSON

S-5245

- 1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 9, after line 24 by inserting:
 5 <Sec. ____ NEW SECTION. 306D.5 Scenic byway
 6 designation — limitation within cities.
 7 Any portion of an interstate highway designated as a
 8 scenic byway which is located within the incorporated
 9 area of a city shall not be designated as part of
 10 the scenic byway, except when such route within the
 11 incorporated area possesses intrinsic scenic, historic,
 12 recreational, cultural, or archeological features which
 13 support designation of the route as a scenic byway, as
 14 determined by the governing body of the city.>
 15 2. By renumbering as necessary.

RICK BERTRAND
 BILL ANDERSON

S-5246

- 1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 9, after line 30 by inserting:
5 <Sec. ____ Section 321.105A, subsection 2,
6 paragraph c, Code Supplement 2011, is amended by adding
7 the following new subparagraph:
8 NEW SUBPARAGRAPH. (31) Motor vehicles subject to
9 registration which are held for sale by a motor vehicle
10 dealer in this state, subject to all of the following:
11 (a) The motor vehicles were new motor vehicles
12 at the time they were acquired by the motor vehicle
13 dealer.
14 (b) The motor vehicle dealer had a franchise
15 agreement with the manufacturer of the motor vehicles
16 at the time the motor vehicle dealer acquired the new
17 motor vehicles.
18 (c) After the motor vehicle dealer acquired the new
19 motor vehicles, the manufacturer of the motor vehicles
20 ceased to hold a valid manufacturer's license pursuant
21 to section 322.27 or discontinued the brand of motor
22 vehicles.
23 (d) Not more than one year has elapsed from
24 the time the manufacturer ceased to hold a valid
25 manufacturer's license pursuant to section 322.27 or
26 discontinued the brand of motor vehicles.>
- 27 2. Page 12, after line 24 by inserting:
28 <____. The section of this division of this Act
29 enacting section 321.105A, subsection 2, paragraph c,
30 subparagraph (31).>
- 31 3. By renumbering as necessary.

ROBERT BACON
TIM L. KAPUCIAN
MARK CHELGREN
SANDRA GREINER
PAT WARD
MERLIN BARTZ
NANCY J. BOETTGER
KENT SORENSON
JACK WHITVER
JAMES A. SEYMOUR
JONI ERNST
BILL ANDERSON
JAMES F. HAHN
ROBY SMITH
JERRY BEHN
DAVID JOHNSON

S-5247

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, after line 41 by inserting:
 5 <Sec. ____ 2012 Iowa Acts, Senate File 2289,
 6 as enacted, is amended by adding the following new
 7 section:
 8 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 9 being deemed of immediate importance, takes effect upon
 10 enactment.>
 11 2. Page 12, after line 27 by inserting:
 12 <____. The section of this division of this Act
 13 amending 2012 Iowa Acts, Senate File 2289.>
 14 3. Page 12, after line 45 by inserting:
 15 <Sec. ____ RETROACTIVE APPLICABILITY. The
 16 following provision or provisions of this division of
 17 this Act apply retroactively to April 12, 2012:
 18 1. The section of this division of this Act
 19 amending 2012 Iowa Acts, Senate File 2289.>
 20 4. By renumbering as necessary.

JONI ERNST
 BILL ANDERSON
 STEVE KETTERING
 JAMES F. HAHN
 RICK BERTRAND
 KENT SORENSON
 ROBY SMITH
 SANDRA GREINER
 PAT WARD
 JAMES A. SEYMOUR
 DAVID JOHNSON
 BRAD ZAUN

S-5248

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 54, after line 23 by inserting:
 5 <DIVISION ____
 6 DRIVER EDUCATION
 7 Sec. ____ NEW SECTION. 321.178A Driver education
 8 — teaching parent.
 9 1. Teaching parent. As an alternative to the
 10 driver education requirements under section 321.178,
 11 a teaching parent may instruct a student in a driver

12 education course that meets the requirements of this
13 section and provide evidence that the requirements
14 under this section have been met.

15 2. Definitions. For purposes of this section:

16 a. "Approved course" means driver education
17 curriculum approved by the department pursuant to rules
18 adopted under chapter 17A. An approved course shall,
19 at a minimum, meet the requirements of subsection 3
20 and be appropriate for teaching-parent-directed driver
21 education and related street or highway instruction.
22 Driver education materials that meet or exceed
23 standards established by the department for an approved
24 course in driver education for a public or private
25 school shall be approved unless otherwise determined by
26 the department. The list of approved courses shall be
27 posted on the department's internet site.

28 b. "Student" means a person between the ages of
29 fourteen and twenty-one years who is within the custody
30 and control of the teaching parent and who satisfies
31 preliminary licensing requirements of the department.

32 c. "Teaching parent" means a parent, guardian,
33 or legal custodian of a student who is currently
34 providing competent private instruction to the student
35 pursuant to section 299A.2 or 299A.3 and who provided
36 such instruction to the student during the previous
37 year; who has a valid driver's license, other than a
38 motorized bicycle license or a temporary restricted
39 license, that permits unaccompanied driving; and who
40 has maintained a clear driving record for the previous
41 two years. For purposes of this paragraph, "clear
42 driving record" means the individual has not been
43 identified as a candidate for suspension of a driver's
44 license under the habitual offender provisions of the
45 department's regulations; is not subject to a driver's
46 license suspension, revocation, denial, cancellation,
47 disqualification, or bar; and has no record of a
48 conviction for a moving traffic violation determined to
49 be the cause of a motor vehicle accident.

50 3. Course of instruction.

Page 2

- 1 a. An approved course administered by a teaching
2 parent shall consist of but not be limited to the
3 following:
- 4 (1) Thirty clock hours of classroom instruction.
 - 5 (2) Forty hours of street or highway driving
6 including four hours of driving after sunset and before
7 sunrise while accompanied by the teaching parent.

- 8 (3) Four hours of classroom instruction concerning
9 substance abuse.
- 10 (4) A minimum of twenty minutes of instruction
11 concerning railroad crossing safety.
- 12 (5) Instruction relating to becoming an organ
13 donor under the revised uniform anatomical gift Act as
14 provided in chapter 142C.
- 15 (6) Instruction providing an awareness about
16 sharing the road with bicycles and motorcycles.
- 17 b. The content of the course of instruction
18 required under this subsection shall be equivalent
19 to that required under section 321.178. However,
20 reference and study materials, physical classroom
21 requirements, and extra vehicle safety equipment
22 required for instruction under section 321.178 shall
23 not be required for the course of instruction provided
24 under this section.
- 25 4. Course completion and certification. Upon
26 application by a student for an intermediate license,
27 the teaching parent shall provide evidence showing
28 the student's completion of an approved course and
29 substantial compliance with the requirements of
30 subsection 3 by affidavit signed by the teaching
31 parent on a form to be provided by the department. The
32 evidence shall include all of the following:
- 33 a. Documentation that the instructor is a teaching
34 parent as defined in subsection 2.
- 35 b. Documentation that the student is receiving
36 competent private instruction under section 299A.2
37 or the name of the school district within which the
38 student is receiving instruction under section 299A.3.
- 39 c. The name of the approved course completed by the
40 student.
- 41 d. An affidavit attesting to satisfactory
42 completion of course work and street or highway driving
43 instruction.
- 44 e. Copies of written tests completed by the
45 student.
- 46 f. A statement of the number of classroom hours of
47 instruction provided to the student.
- 48 g. A log of completed street or highway driving
49 instruction including the dates when the lessons were
50 conducted, the student's and the teaching parent's name

Page 3

- 1 and initials noted next to each entry, notes on driving
2 activities including a list of driving deficiencies and
3 improvements, and the duration of the driving time for

4 each session.

5 5. Intermediate license. Any student who
6 successfully completes an approved course as
7 provided in this section, passes a driving test to
8 be administered by the department, and is otherwise
9 qualified under section 321.180B, subsection 2, shall
10 be eligible for an intermediate license pursuant
11 to section 321.180B. Twenty of the forty hours of
12 street or highway driving instruction required under
13 subsection 3, paragraph "a", subparagraph (2), may
14 be utilized to satisfy the requirement of section
15 321.180B, subsection 2.

16 6. Full license. A student must comply with
17 section 321.180B, subsection 4, to be eligible for a
18 full driver's license pursuant to section 321.180B.

19 Sec. ____ Section 321.180B, subsection 2, paragraph
20 a, Code Supplement 2011, is amended to read as follows:

21 a. The department may issue an intermediate
22 driver's license to a person sixteen or seventeen years
23 of age who possesses an instruction permit issued
24 under subsection 1 or a comparable instruction permit
25 issued by another state for a minimum of six months
26 immediately preceding application, and who presents an
27 affidavit signed by a parent, guardian, or custodian
28 on a form to be provided by the department that the
29 permittee has accumulated a total of twenty hours of
30 street or highway driving of which two hours were
31 conducted after sunset and before sunrise and the
32 street or highway driving was with the permittee's
33 parent, guardian, custodian, instructor, a person
34 certified by the department, or a person at least
35 twenty-five years of age who had written permission
36 from a parent, guardian, or custodian to accompany
37 the permittee, and whose driving privileges have not
38 been suspended, revoked, or barred under this chapter
39 or chapter 321J during, and who has been accident
40 and violation free continuously for, the six-month
41 period immediately preceding the application for an
42 intermediate license. An applicant for an intermediate
43 license must meet the requirements of section
44 321.186, including satisfactory completion of driver
45 education as required in section 321.178 or 321.178A,
46 and payment of the required license fee before an
47 intermediate license will be issued. A person issued
48 an intermediate license must limit the number of
49 passengers in the motor vehicle when the intermediate
50 licensee is operating the motor vehicle to the number

Page 4

- 1 of passenger safety belts.>>
 2 2. By renumbering as necessary.

NANCY J. BOETTGER
 ROBERT BACON
 TIM L. KAPUCIAN
 MARK CHELGREN
 ROBY SMITH
 SANDRA GREINER
 PAT WARD
 JACK WHITVER
 JAMES A. SEYMOUR
 JONI ERNST
 BILL ANDERSON
 JAMES F. HAHN
 RICK BERTRAND
 KENT SORENSON
 BRAD ZAUN
 JERRY BEHN
 DAVID JOHNSON

S-5249

- 1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 54, after line 23 by inserting:
 5 <DIVISION ____
 6 SCHOOL START DATE
 7 Sec. ____ Section 257.17, Code 2011, is amended to
 8 read as follows:
 9 257.17 Aid reduction for early school starts.
 10 State aid payments made pursuant to section
 11 257.16 for a fiscal year shall be reduced by one
 12 one-hundred-eightieth for each day of that fiscal year
 13 for which the school district begins school before the
 14 earliest starting date specified in section 279.10,
 15 subsection 1. However, this section does not apply
 16 to a school district that has received approval from
 17 the ~~director of the~~ department of education ~~under~~
 18 for a pilot program for an innovative school year in
 19 accordance with section 279.10, subsection 4 3, or to
 20 commence classes for regularly established elementary
 21 and secondary schools in advance of the starting
 22 earliest start date established in section 279.10,
 23 subsection 1.
 24 Sec. ____ Section 279.10, subsections 1 and 2, Code
 25 2011, are amended to read as follows:
 26 1. The school year shall begin on the first day
 27 of July and each regularly established elementary

28 and secondary school shall begin no sooner than ~~a day~~
 29 ~~during the calendar week in which the first day fourth~~
 30 ~~Monday of September falls August,~~ but no later than the
 31 first Monday in December. ~~However, if the first day~~
 32 ~~of September falls on a Sunday, school may begin on a~~
 33 ~~day during the calendar week which immediately precedes~~
 34 ~~the first day of September,~~ unless the school district
 35 has received approval from the department of education
 36 for a pilot program for an innovative school year in
 37 accordance with subsection 3. The earliest start date
 38 specified in this section shall not apply to a school
 39 district that maintains a year around three-semester
 40 school year. School shall continue for at least one
 41 hundred eighty days, except as provided in subsection
 42 3, and may be maintained during the entire calendar
 43 year. However, if the board of directors of a district
 44 extends the school calendar because inclement weather
 45 caused the district to temporarily close school during
 46 the regular school calendar, the district may excuse
 47 a graduating senior who has met district or school
 48 requirements for graduation from attendance during the
 49 extended school calendar. A school corporation may
 50 begin employment of personnel for in-service training

Page 2

1 and development purposes before the date to begin
 2 elementary and secondary school.
 3 2. The board of directors shall hold a public
 4 hearing on any proposal for a pilot program for an
 5 innovative school year prior to submitting ~~it such~~
 6 request to the department of education for approval
 7 pursuant to subsection 3.
 8 Sec. ____ Section 279.10, subsection 4, Code 2011,
 9 is amended by striking the subsection.
 10 Sec. ____ EFFECTIVE DATE. This division of this
 11 Act takes effect July 1, 2013.
 12 Sec. ____ APPLICABILITY. This division of this Act
 13 is applicable to school years beginning on or after
 14 July 1, 2013.>
 15 2. By renumbering as necessary.

DAVID JOHNSON
 TIM L. KAPUCIAN
 WILLIAM A. DOTZLER, JR.
 DICK L. DEARDEN

S-5250

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 10, after line 29 by inserting:
 5 <Sec. ____ Section 423.3, Code Supplement 2011, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 96. The sales price for the use of
 8 a self-pay washer or dryer.>
 9 2. By renumbering as necessary.

DAVID JOHNSON

S-5251

- 1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, after line 9 by inserting:
 5 <Sec. ____ NEW SECTION. 256G.5 Continued operation
 6 and maintenance.
 7 The board of regents and the university of northern
 8 Iowa shall operate, maintain, staff, and fund the
 9 research and development school known as the Malcolm
 10 Price laboratory school located on the campus of the
 11 university of northern Iowa in accordance with this
 12 chapter through July 1, 2013, unless otherwise extended
 13 by statute.>
 14 2. By renumbering as necessary.

JEFF DANIELSON

S-5252

- 1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 54, after line 23 by inserting:
 5 <DIVISION ____
 6 USE OF FORCE
 7 Sec. ____ Section 704.1, Code 2011, is amended to
 8 read as follows:
 9 704.1 Reasonable force.
 10 1. "Reasonable force" ~~is means~~ that force ~~and no~~
 11 ~~more~~ which a reasonable person, in like circumstances,
 12 would judge to be necessary to prevent an injury or
 13 loss and can include deadly force if it is reasonable
 14 to believe that such force is necessary to avoid injury
 15 or risk to one's life or safety or the life or safety
 16 of another, or it is reasonable to believe that such
 17 force is necessary to resist a like force or threat.
 18 2. Reasonable force, including deadly force, may
 19 be used even if an alternative course of action is
 20 available if the alternative entails a risk to life
 21 or safety, or the life or safety of a third party, ~~or~~
 22 ~~requires one to abandon or retreat from one's dwelling~~

23 ~~or place of business or employment.~~

24 3. A person may be wrong in the estimation of the
25 danger or the force necessary to repel the danger as
26 long as there is a reasonable basis for the belief
27 of the person and the person acts reasonably in the
28 response to that belief.

29 4. A person who is not engaged in illegal activity
30 has no duty to retreat from any place where the person
31 is lawfully present before using force as specified in
32 this chapter. A finder of fact shall not be permitted
33 to consider the possibility of retreat as a factor in
34 determining whether or not a person who used force
35 reasonably believed that the force was necessary to
36 prevent injury, loss, or risk to life or safety.

37 Sec. ____ Section 704.2, Code 2011, is amended by
38 adding the following new unnumbered paragraph:
39 **NEW UNNUMBERED PARAGRAPH.** A threat to cause serious
40 injury or death, by the production, display, or
41 brandishing of a deadly weapon, is not deadly force,
42 as long as the actions of the person are limited to
43 creating an expectation that the person may use deadly
44 force to defend oneself, another, or as otherwise
45 authorized by law.

46 Sec. ____ **NEW SECTION.** 704.2A Justifiable use of
47 deadly force.

48 1. For purposes of this chapter, a person is
49 presumed to reasonably believe that deadly force is
50 necessary to avoid injury or risk to one's life or

Page 2

1 safety or the life or safety of another in either of
2 the following circumstances:
3 a. The person against whom force is used, at the
4 time the force is used, is doing any of the following:
5 (1) Unlawfully entering by force or stealth, or
6 has unlawfully entered by force or stealth and remains
7 within the dwelling, place of business or employment,
8 or occupied vehicle of the person using force.
9 (2) Unlawfully removing or is attempting to
10 unlawfully remove another person against the other
11 person's will from the dwelling, place of business or
12 employment, or occupied vehicle of the person using
13 force.
14 b. The person using force knows or has reason
15 to believe that any of the conditions set forth in
16 paragraph "a" are occurring or have occurred.
17 2. The presumption set forth in subsection 1 does
18 not apply if, at the time force is used, any of the
19 following circumstances are present:
20 a. The person using defensive force is engaged
21 in a criminal offense, is attempting to escape from

22 the scene of a criminal offense that the person has
23 committed, or is using the dwelling, place of business
24 or employment, or occupied vehicle to further a
25 criminal offense.

26 b. The person sought to be removed is a child or
27 grandchild or is otherwise in the lawful custody or
28 under the lawful guardianship of the person against
29 whom force is used.

30 c. The person against whom force is used is a
31 peace officer who has entered or is attempting to
32 enter a dwelling, place of business or employment, or
33 occupied vehicle in the lawful performance of the peace
34 officer's official duties, and the person using force
35 knows or reasonably should know that the person who has
36 entered or is attempting to enter is a peace officer.

37 d. The person against whom the force is used has
38 the right to be in, or is a lawful resident of, the
39 dwelling, place of business or employment, or occupied
40 vehicle of the person using force, and a protective or
41 no-contact order is not in effect against the person
42 against whom the force is used.

43 Sec. ____ Section 704.3, Code 2011, is amended to
44 read as follows:

45 704.3 Defense of self or another.

46 A person is justified in the use of reasonable force
47 when the person reasonably believes that such force is
48 necessary to defend oneself or another from any actual
49 or imminent use of unlawful force.

50 Sec. ____ NEW SECTION. 704.4A Immunity for

Page 3

1 justifiable use of force.

2 1. As used in this section, "criminal prosecution"
3 means arrest, detention, charging, or prosecution.

4 2. A person who uses reasonable force pursuant
5 to this chapter shall be immune from any criminal
6 prosecution or civil action for using such force.

7 3. A law enforcement agency may use standard
8 investigating procedures for investigating the use of
9 force, but the law enforcement agency shall not arrest
10 a person for using force unless the law enforcement
11 agency determines there is probable cause that the
12 force was unlawful under this chapter.

13 4. The court shall award reasonable attorney fees,
14 court costs, compensation for loss of income, and all
15 expenses incurred by the defendant in defense of any
16 civil action brought by the plaintiff if the court
17 finds that the defendant is immune from prosecution as
18 provided in subsection 2.

19 Sec. ____ Section 704.7, Code 2011, is amended to
20 read as follows:

- 21 704.7 Resisting ~~foreible~~ violent felony.
- 22 1. As used in this section, "violent felony" means
- 23 any felonious sexual abuse involving compulsion or
- 24 the use of a weapon or any felonious assault, murder,
- 25 kidnapping, robbery, arson, or burglary.
- 26 2. A person who ~~knows~~ reasonably believes that a
- 27 foreible violent felony is being or will imminently
- 28 be perpetrated is justified in using, ~~against the~~
- 29 ~~perpetrator,~~ reasonable force, including deadly force
- 30 against the perpetrator or perpetrators, to prevent ~~the~~
- 31 ~~completion of or terminate the perpetration of~~ that
- 32 felony.
- 33 Sec. ____ REPEAL. Section 707.6, Code 2011, is
- 34 repealed.>
- 35 2. By renumbering as necessary.

KENT SORENSON
 RICK BERTRAND
 JERRY BEHN
 BILL ANDERSON
 SANDRA GREINER
 NANCY J. BOETTGER
 JAMES F. HAHN
 RANDY FEENSTRA
 BRAD ZAUN
 TIM L. KAPUCIAN
 PAT WARD

S-5253

- 1 Amend the amendment, S-5236, to House File 2465,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 39, lines 18 through 26, by striking <The
- 5 state percent of growth for each subsequent budget year
- 6 shall be established by statute which shall be enacted
- 7 within thirty days of the submission in the year
- 8 preceding the base year of the governor's budget under
- 9 section 8.21. The establishment of the state percent
- 10 of growth for a budget year shall be the only subject
- 11 matter of the bill which enacts the state percent of
- 12 growth for a budget year.> and inserting <The state
- 13 ~~percent of growth for each subsequent budget year shall~~
- 14 ~~be established by statute which shall be enacted within~~
- 15 ~~thirty days of the submission in the year preceding~~
- 16 ~~the base year of the governor's budget under section~~
- 17 ~~8.21. The establishment of the state percent of growth~~
- 18 ~~for a budget year shall be the only subject matter of~~
- 19 ~~the bill which enacts the state percent of growth for~~
- 20 ~~a budget year.>~~
- 21 2. Page 39, lines 35 through 44, by striking <The
- 22 categorical state percent of growth for each budget

23 year shall be established by statute which shall
 24 be enacted within thirty days of the submission in
 25 the year preceding the base year of the governor's
 26 budget under section 8.21. The establishment of
 27 the categorical state percent of growth for a budget
 28 year shall be the only subject matter of the bill
 29 which enacts the categorical state percent of growth
 30 for a budget year.> and inserting <The categorical
 31 state percent of growth for each budget year shall be
 32 established by statute which shall be enacted within
 33 thirty days of the submission in the year preceding the
 34 base year of the governor's budget under section 8.21.
 35 The establishment of the categorical state percent of
 36 growth for a budget year shall be the only subject
 37 matter of the bill which enacts the categorical state
 38 percent of growth for a budget year.>
 39 3. By renumbering as necessary.

MARK CHELGREN

S-5254

1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 52, after line 26 by inserting:
 5 <Sec. __. Section 162.2, subsection 27, Code 2011,
 6 is amended to read as follows:
 7 27. "Vertebrate animal" means those vertebrate
 8 animals other than members of the equine, bovine,
 9 caprine, ovine, ~~and or~~ porcine species, ~~and~~ ostriches,
 10 ruelas, ~~or~~ emus, farm deer as defined in section 170.1,
 11 or poultry.>
 12 2. By renumbering as necessary.

JOE M. SENG
 ROBERT E. DVORSKY

S-5255

1 Amend the House amendment, S-5234, to Senate File
 2 2315, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 5, after line 34 by inserting:
 5 <__. Page 11, line 18, by striking <A person> and
 6 inserting <Notwithstanding subsection 1, a person>>
 7 2. Page 7, by striking lines 7 through 13 and
 8 inserting <in this Act. In addition, the transition>
 9 3. Page 10, after line 22 by inserting:
 10 <__. Chapter 229.>
 11 4. Page 12, after line 10 by inserting:
 12 <__. Page 27, line 23, before <one> by inserting

13 <at least>

14 _____. Page 27, line 24, after <designees> by
15 inserting <and any other members specified in the
16 region’s regional governance agreement entered into in
17 accordance with section 331.438E>>

18 5. Page 15, line 1, after <applies> by inserting
19 <beginning July 1, 2012,>

20 6. Page 15, line 5, after <costs> by inserting <for
21 services provided on or after July 1, 2011,>

22 7. Page 15, after line 8 by inserting:
23 <(____) Chapter 229.>

24 8. Page 15, line 17, after <billing.> by inserting
25 <However, for services provided on or after July 1,
26 2011, for which a county has received the billing as of
27 July 1, 2012, the county shall notify the department of
28 the county’s assertion on or before October 1, 2012.>

29 9. By striking page 24, line 23, through page 28,
30 line 2, and inserting:

31 <DIVISION ____

32 PROPERTY TAX-RELATED PROVISIONS

33 Sec. ____ MENTAL HEALTH AND DISABILITY SERVICES
34 REDESIGN FISCAL VIABILITY ANALYSIS.

35 1. The legislative council is requested to
36 authorize a study committee to analyze the viability
37 of the mental health and disability services redesign
38 financing provisions in 2012 Iowa Acts, Senate File
39 2315, if enacted, during the 2012 and 2013 legislative
40 interims. The study committee may contract for an
41 independent analysis to be performed. Reports of
42 the analysis containing findings and recommendations
43 shall be submitted for consideration during the 2013
44 legislative session. The study committee may meet
45 during the 2013 legislative interim to consider and
46 determine whether revisions to 2013 redesign financing
47 enactments are warranted and to make appropriate
48 recommendations for consideration during the 2014
49 legislative session.

50 2. The financial information addressed by the

Page 2

1 analysis shall include but is not limited to all of the
2 following:

- 3 a. A determination as to the adequacy of the local
- 4 funding sources available to counties and county
- 5 regions, including the per capita levy provisions;
- 6 whether adjustments are warranted to reflect the
- 7 relative capacity of the property tax base to provide
- 8 needed funding; how to provide funding sufficiently
- 9 flexible to meet the needs identified and reflect
- 10 annual population and property valuation changes;
- 11 and identification of options for revising the levy

12 provisions.

13 b. Identification of options and alternatives for
14 provision of state funding to the regional system,
15 including making equalization payments, addressing
16 growth and population shifts, dealing with growth in
17 terms of costs and numbers of consumers, and allocation
18 of state cases in a phase-out of the legal settlement
19 system for determining financial responsibility.

20 c. Analysis of the likely effects that the
21 implementation of the federal Patient Protection and
22 Affordable Care Act, Pub. L. No. 111-148, as amended by
23 the federal Health Care and Education Reconciliation
24 Act of 2010, Pub. L. No. 111-152, and any amendments
25 thereto, or other applicable federal law, will have on
26 the service obligations of counties.

27 d. Analysis of services fund balances held by
28 counties.

29 Sec. ____ Section 331.424A, Code Supplement 2011,
30 is amended to read as follows:

31 331.424A County mental health, ~~mental retardation,~~
32 and ~~developmental~~ disabilities services fund.

33 1. For the purposes of this chapter ~~and chapter~~
34 ~~426B~~, unless the context otherwise requires,
35 ~~“services fund” means the county mental health, mental~~
36 ~~retardation, and developmental disabilities services~~
37 ~~fund created in subsection 2. The county finance~~
38 ~~committee created in section 333A.2 shall consult with~~
39 ~~the state commission in adopting rules and prescribing~~
40 ~~forms for administering the services fund.~~

41 a. “Base year expenditures for mental health and
42 disabilities services” means the same as defined in
43 section 331.438, Code Supplement 2011, minus the amount
44 the county received from the property tax relief fund
45 pursuant to section 426B.1, Code 2011, for the fiscal
46 year beginning July 1, 2008.

47 b. “County population expenditure target amount”
48 means the product of the statewide per capita
49 expenditure target amount multiplied by a county’s
50 general population.

Page 3

1 c. “County services fund” means a county mental
2 health and disabilities services fund created pursuant
3 to this section.

4 d. “Per capita growth amount” means the amount by
5 which the statewide per capita expenditure target
6 amount may grow from one year to the next.

7 e. “Statewide per capita expenditure target amount”
8 means the dollar amount of a statewide expenditure
9 target per person as established by statute.

10 2. The county finance committee created in section

11 333A.2 shall consult with the department of human
 12 services and the department of management in adopting
 13 rules and prescribing forms for administering the
 14 county services funds.
 15 ~~2. 3. For the fiscal year beginning July 1, 1996,~~
 16 ~~and succeeding fiscal years, county County revenues~~
 17 ~~from taxes and other sources designated by a county for~~
 18 ~~mental health, mental retardation, and developmental~~
 19 ~~disabilities services shall be credited to the county~~
 20 ~~mental health, mental retardation, and developmental~~
 21 ~~disabilities services fund of which shall be created by~~
 22 ~~the county. The board shall make appropriations from~~
 23 ~~the fund for payment of services provided under the~~
 24 ~~county regional service system management plan approved~~
 25 ~~pursuant to section 331.439 331.439A. The county may~~
 26 ~~pay for the services in cooperation with other counties~~
 27 ~~by pooling appropriations from the county services~~
 28 ~~fund with appropriations from the county services fund~~
 29 ~~of other counties or through county regional entities~~
 30 ~~including but not limited to the county's mental health~~
 31 ~~and developmental disabilities regional planning~~
 32 ~~council created pursuant to section 225C.18 through the~~
 33 ~~county's regional administrator, or through another~~
 34 ~~arrangement specified in the regional governance~~
 35 ~~agreement entered into by the county under section~~
 36 ~~331.438E.~~
 37 ~~3. 4. For the fiscal year beginning July 1, 1996,~~
 38 ~~and succeeding fiscal years, receipts Receipts from the~~
 39 ~~state or federal government for such the mental health~~
 40 ~~and disability services administered or paid for by a~~
 41 ~~county shall be credited to the county services fund,~~
 42 ~~including moneys allotted distributed to the county~~
 43 ~~from the state payment made pursuant to section 331.439~~
 44 ~~and moneys allotted to the county for property tax~~
 45 ~~relief pursuant to section 426B.1 department of human~~
 46 ~~services and moneys allocated under chapter 426B.~~
 47 ~~4. 5. For the fiscal year beginning July 1, 1996,~~
 48 ~~and for each subsequent fiscal year, the county shall~~
 49 ~~certify a levy for payment of services. For each~~
 50 ~~fiscal year, county revenues from taxes imposed by the~~

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1 county credited to the services fund shall not exceed
 2 an amount equal to the amount of base year expenditures
 3 for mental health and disability services as defined
 4 in section 331.438, less the amount of property tax
 5 relief to be received pursuant to section 426B.2, in
 6 the fiscal year for which the budget is certified.
 7 ~~The county auditor and the board of supervisors shall~~
 8 ~~reduce the amount of the levy certified for the~~
 9 ~~services fund by the amount of property tax relief to~~

10 ~~be received.~~ A levy certified under this section is
 11 not subject to the appeal provisions of section 331.426
 12 or to any other provision in law authorizing a county
 13 to exceed, increase, or appeal a property tax levy
 14 limit.

15 ~~5. 6.~~ Appropriations specifically authorized to be
 16 made from the mental health, ~~mental retardation,~~ and
 17 ~~developmental~~ disabilities services fund shall not be
 18 made from any other fund of the county.

19 ~~6. 7. This section is repealed July 1, 2013.~~
 20 Notwithstanding subsection 5, for the fiscal years
 21 beginning July 1, 2013, and July 1, 2014, county
 22 revenues from taxes levied by the county and credited
 23 to the county services fund shall not exceed the lower
 24 of the following amounts:

25 a. The amount of the county's base year
 26 expenditures for mental health and disabilities
 27 services.

28 b. The amount equal to the product of the statewide
 29 per capita expenditure target for the fiscal year
 30 beginning July 1, 2013, multiplied by the county's
 31 general population for the same fiscal year.

32 Sec. ____ Section 331.432, subsection 3, Code
 33 Supplement 2011, is amended to read as follows:

34 3. Except as authorized in section 331.477,
 35 transfers of moneys between the county mental health,
 36 ~~mental retardation,~~ and ~~developmental~~ disabilities
 37 services fund created pursuant to section 331.424A and
 38 any other fund are prohibited.

39 Sec. ____ Section 426B.1, subsection 2, Code 2011,
 40 is amended by striking the subsection and inserting in
 41 lieu thereof the following:

42 2. Moneys shall be distributed from the property
 43 tax relief fund to counties for the mental health and
 44 disability regional service system for providing county
 45 base property tax equivalent equalization payments and
 46 the per capita growth amount established pursuant to
 47 section 426B.3, in accordance with the appropriations
 48 made to the fund and other statutory requirements.

49 Sec. ____ Section 426B.2, subsections 1 and 2, Code
 50 2011, are amended by striking the subsections.

Page 5

1 Sec. ____ Section 426B.2, subsection 3, Code 2011,
 2 is amended to read as follows:

3 3. ~~a.~~ The director of human services shall draw
 4 warrants on the property tax relief fund, payable to
 5 the county treasurer in the amount due to a county in
 6 accordance with ~~subsection 1~~ section 426B.3, and mail
 7 the warrants to the county auditors in July and January
 8 of each year.

9 ~~b. Any replacement generation tax in the property~~
10 ~~tax relief fund as of May 1 shall be paid to the~~
11 ~~county treasurers in July and January of the fiscal~~
12 ~~year beginning the following July 1. The department~~
13 ~~of management shall determine the amount each county~~
14 ~~will be paid pursuant to this lettered paragraph~~
15 ~~for the following fiscal year. The department shall~~
16 ~~reduce by the determined amount the amount of each~~
17 ~~county's certified budget to be raised by property~~
18 ~~tax for that fiscal year which is to be expended for~~
19 ~~mental health, mental retardation, and developmental~~
20 ~~disabilities services and shall revise the rate of~~
21 ~~taxation as necessary to raise the reduced amount. The~~
22 ~~department of management shall report the reduction in~~
23 ~~the certified budget and the revised rate of taxation~~
24 ~~to the county auditors by June 15.~~

25 Sec. __. Section 426B.3, Code 2011, is amended by
26 striking the section and inserting in lieu thereof the
27 following:

28 426B.3 Per capita funding for fiscal years 2013–2014
29 and 2014–2015.

30 1. For the fiscal years beginning July 1, 2013,
31 and July 1, 2014, the state and county funding for the
32 mental health and disability services administered
33 or paid for by counties shall be provided based on a
34 statewide per capita expenditure target amount computed
35 in accordance with this section.

36 2. The statewide per capita expenditure target
37 amount shall consist of the sum of the following:

38 a. A county base property tax equivalent to
39 forty-seven dollars and twenty-eight cents per capita.
40 Each per capita growth amount established by statute
41 as provided in paragraph “b”, shall be added to this
42 amount.

43 b. A per capita growth amount, which may be stated
44 as a percentage of the prior fiscal year's county base
45 property tax per capita amount, as established by
46 statute.

47 3. The per capita growth amount established
48 by statute shall provide funding for increases in
49 non-Medicaid expenditures from county services funds
50 due to service costs, additional service populations,

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1 additional core service domains, and numbers of persons
2 receiving services.

3 4. a. For the fiscal years beginning July 1, 2013,
4 and July 1, 2014, a county with a county population
5 expenditure target amount that exceeds the amount of
6 the county's base year expenditures for mental health
7 and disabilities services shall receive an equalization
8 payment for the difference.

9 b. The equalization payments determined in
10 accordance with this subsection shall be made by the
11 department of human services for each fiscal year as
12 provided in appropriations made from the property tax
13 relief fund for this purpose.

14 Sec. ____ REPEAL. Section 426B.6, Code Supplement
15 2011, is repealed.

16 Sec. ____ EFFECTIVE DATE. The following provisions
17 of this division of this Act take effect July 1, 2013:

18 1. The section of this Act amending section

19 331.424A.

20 2. The section of this Act amending section

21 331.432.

22 3. The section of this Act amending section 426B.1.

23 4. The sections of this Act amending section

24 426B.2.

25 5. The section of this Act amending section 426B.3.

26 Sec. ____ APPLICABILITY. The following provisions
27 of this division of this Act are applicable commencing
28 with the budget and tax levy certification process for
29 the fiscal year beginning July 1, 2013:

30 1. The section of this Act amending section

31 331.424A.

32 2. The section of this Act amending section 426B.1.

33 3. The sections of this Act amending section

34 426B.2.

35 4. The section of this Act amending section

36 426B.3.>

37 10. By renumbering as necessary.

JACK HATCH

S-5256

1 Amend House File 2470, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 3 through 8 and

4 inserting:

5 <NEW PARAGRAPH. c. For purposes of this
6 subsection, the following items are exempt under
7 paragraph "a" when used in agricultural production:

8 (1) A snow blower that is to be attached to a
9 self-propelled implement of husbandry.

10 (2) A rear-mounted or front-mounted blade that
11 is to be attached to or towed by a self-propelled
12 implement of husbandry.

13 (3) A rotary cutter that is to be attached to a
14 self-propelled implement of husbandry.>

15 2. By renumbering, redesignating, and correcting

16 internal references as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Chair

S-5257

1 Amend Senate File 2344 as follows:

2 1. Page 31, after line 18 by inserting:

3 <DIVISION ____

4 CABLE TELEVISION COMPANY PROPERTY

5 Sec. ____ NEW SECTION. 427A.3 Cable television
6 company property.

7 1. Except as provided in subsection 2, for
8 assessment years beginning on or after January 1,
9 2013, the property of a cable television company that
10 consists of wire, cable, fiber optic cable, conduit
11 systems, poles, and other equipment and machinery
12 used by the cable television company to provide cable
13 television services and that would otherwise be taxed
14 as real property under section 427A.1, shall be exempt
15 from taxation.

16 2. a. For assessment years beginning on or after
17 January 1, 2013, such property described in subsection
18 1 shall be assessed and subject to taxation to the
19 extent specified herein:

20 (1) For the assessment year beginning January 1,
21 2013, for each cable television company, the amount
22 of actual value of such property in all assessing
23 jurisdictions that exceeds two million dollars.

24 (2) For the assessment year beginning January 1,
25 2014, for each cable television company, the amount
26 of actual value of such property in all assessing
27 jurisdictions that exceeds four million dollars.

28 (3) For the assessment year beginning January 1,
29 2015, for each cable television company, the amount
30 of actual value of such property in all assessing
31 jurisdictions that exceeds six million dollars.

32 (4) For the assessment year beginning January 1,
33 2016, for each cable television company, the amount
34 of actual value of such property in all assessing
35 jurisdictions that exceeds eight million dollars.

36 (5) For the assessment year beginning January 1,
37 2017, and each assessment year thereafter, for each
38 cable television company, the amount of actual value
39 of such property in all assessing jurisdictions that
40 exceeds ten million dollars.

41 b. The director of revenue, in consultation
42 with the applicable local assessors, shall for each
43 assessment year beginning on or after January 1, 2013,
44 collect such assessment information that is necessary
45 to determine for each cable television company the
46 amount of actual value of such property that is
47 subject to assessment and taxation in each assessing
48 jurisdiction in the state, following imposition of the
49 assessment and taxation limitation under paragraph
50 "a". The total statewide amount of actual value for

Page 2

1 each cable television company that is subject to
 2 assessment and taxation following the imposition of the
 3 limitation under paragraph "a" shall be apportioned
 4 among the several assessing jurisdictions in the same
 5 proportion that the total amount of actual value of
 6 such property in each assessing jurisdiction prior
 7 to the imposition of the limitation under paragraph
 8 "a" bears to the total amount of actual value of such
 9 property statewide prior to the imposition of the
 10 limitation under paragraph "a". The amounts calculated
 11 by the director of revenue shall be certified by the
 12 director of revenue on or before November 1 to the
 13 several county auditors of the respective counties in
 14 which such property is located.

15 3. The director of revenue shall prescribe forms,
 16 instructions, and rules pursuant to chapter 17A, as
 17 necessary, to carry out the purposes of this section.

18 Sec. ____ APPLICABILITY. This division of this
 19 Act applies to assessment years beginning on or after
 20 January 1, 2013.>

21 2. Title page, line 7, after <classification,> by
 22 inserting <modifying provisions relating to assessment
 23 and taxation of cable television companies,>

24 3. By renumbering as necessary.

MATT McCOY

S-5258

1 Amend Senate File 2344 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <DIVISION I
 5 EARNED INCOME TAX CREDIT

6 Section 1. Section 422.12B, subsection 1, Code
 7 2011, is amended to read as follows:

8 1. The taxes imposed under this division less the
 9 credits allowed under section 422.12 shall be reduced
 10 by an earned income credit equal to ~~seven~~ ten percent
 11 of the federal earned income credit provided in section
 12 32 of the Internal Revenue Code. Any credit in excess
 13 of the tax liability is refundable.

14 Sec. 2. RETROACTIVE APPLICABILITY. This division
 15 of this Act applies retroactively to January 1, 2012,
 16 for tax years beginning on or after that date.

17 DIVISION II
 18 PROPERTY TAX ASSESSMENT LIMITATIONS — PROPERTY TAX
 19 REPLACEMENT

20 Sec. 3. Section 257.3, subsection 1, Code 2011, is
 21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. d. The amount paid to each school
23 district for the commercial and industrial property
24 tax replacement claim under section 441.21A shall be
25 regarded as property tax. The portion of the payment
26 which is foundation property tax shall be determined by
27 applying the foundation property tax rate to the amount
28 computed under section 441.21A, subsection 4, paragraph
29 “a”, and such amount shall be prorated pursuant to
30 section 441.21A, subsection 2, if applicable.

31 Sec. 4. Section 331.512, Code 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 13A. Carry out duties relating
34 to the calculation and payment of commercial and
35 industrial property tax replacement claims under
36 section 441.21A.

37 Sec. 5. Section 331.559, Code 2011, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 25A. Carry out duties relating
40 to the calculation and payment of commercial and
41 industrial property tax replacement claims under
42 section 441.21A.

43 Sec. 6. Section 441.21, subsection 4, Code
44 Supplement 2011, is amended to read as follows:

45 4. For valuations established as of January
46 1, 1979, the percentage of actual value at which
47 agricultural and residential property shall be assessed
48 shall be the quotient of the dividend and divisor as
49 defined in this section. The dividend for each class
50 of property shall be the dividend as determined for

Page 2

1 each class of property for valuations established as
2 of January 1, 1978, adjusted by the product obtained
3 by multiplying the percentage determined for that year
4 by the amount of any additions or deletions to actual
5 value, excluding those resulting from the revaluation
6 of existing properties, as reported by the assessors
7 on the abstracts of assessment for 1978, plus six
8 percent of the amount so determined. However, if the
9 difference between the dividend so determined for
10 either class of property and the dividend for that
11 class of property for valuations established as of
12 January 1, 1978, adjusted by the product obtained by
13 multiplying the percentage determined for that year
14 by the amount of any additions or deletions to actual
15 value, excluding those resulting from the revaluation
16 of existing properties, as reported by the assessors
17 on the abstracts of assessment for 1978, is less than
18 six percent, the 1979 dividend for the other class of
19 property shall be the dividend as determined for that
20 class of property for valuations established as of

21 January 1, 1978, adjusted by the product obtained by
22 multiplying the percentage determined for that year
23 by the amount of any additions or deletions to actual
24 value, excluding those resulting from the revaluation
25 of existing properties, as reported by the assessors on
26 the abstracts of assessment for 1978, plus a percentage
27 of the amount so determined which is equal to the
28 percentage by which the dividend as determined for the
29 other class of property for valuations established as
30 of January 1, 1978, adjusted by the product obtained
31 by multiplying the percentage determined for that year
32 by the amount of any additions or deletions to actual
33 value, excluding those resulting from the revaluation
34 of existing properties, as reported by the assessors
35 on the abstracts of assessment for 1978, is increased
36 in arriving at the 1979 dividend for the other class
37 of property. The divisor for each class of property
38 shall be the total actual value of all such property
39 in the state in the preceding year, as reported by the
40 assessors on the abstracts of assessment submitted
41 for 1978, plus the amount of value added to said
42 total actual value by the revaluation of existing
43 properties in 1979 as equalized by the director of
44 revenue pursuant to section 441.49. The director shall
45 utilize information reported on abstracts of assessment
46 submitted pursuant to section 441.45 in determining
47 such percentage. For valuations established as of
48 January 1, 1980, and each assessment year thereafter
49 beginning before January 1, 2013, the percentage of
50 actual value as equalized by the director of revenue

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1 as provided in section 441.49 at which agricultural
2 and residential property shall be assessed shall be
3 calculated in accordance with the methods provided
4 herein including the limitation of increases in
5 agricultural and residential assessed values to the
6 percentage increase of the other class of property if
7 the other class increases less than the allowable limit
8 adjusted to include the applicable and current values
9 as equalized by the director of revenue, except that
10 any references to six percent in this subsection shall
11 be four percent. For valuations established as of
12 January 1, 2013, and each assessment year thereafter,
13 the percentage of actual value as equalized by the
14 director of revenue as provided in section 441.49 at
15 which agricultural and residential property shall be
16 assessed shall be calculated in accordance with the
17 methods provided herein including the limitation of
18 increases in agricultural and residential assessed
19 values to the percentage increase of the other class

20 of property if the other class increases less than the
 21 allowable limit adjusted to include the applicable and
 22 current values as equalized by the director of revenue,
 23 except that any references to six percent in this
 24 subsection shall be three percent.

25 Sec. 7. Section 441.21, subsection 5, Code
 26 Supplement 2011, is amended to read as follows:
 27 5. a. For valuations established as of January
 28 1, 1979, commercial property and industrial property,
 29 excluding properties referred to in section 427A.1,
 30 subsection 8, shall be assessed as a percentage of
 31 the actual value of each class of property. The
 32 percentage shall be determined for each class of
 33 property by the director of revenue for the state in
 34 accordance with the provisions of this section. For
 35 valuations established as of January 1, 1979, the
 36 percentage shall be the quotient of the dividend and
 37 divisor as defined in this section. The dividend
 38 for each class of property shall be the total actual
 39 valuation for each class of property established for
 40 1978, plus six percent of the amount so determined.
 41 The divisor for each class of property shall be the
 42 valuation for each class of property established for
 43 1978, as reported by the assessors on the abstracts
 44 of assessment for 1978, plus the amount of value
 45 added to the total actual value by the revaluation
 46 of existing properties in 1979 as equalized by the
 47 director of revenue pursuant to section 441.49. For
 48 valuations established as of January 1, 1979, property
 49 valued by the department of revenue pursuant to
 50 chapters 428, 433, 437, and 438 shall be considered

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1 as one class of property and shall be assessed as a
 2 percentage of its actual value. The percentage shall
 3 be determined by the director of revenue in accordance
 4 with the provisions of this section. For valuations
 5 established as of January 1, 1979, the percentage
 6 shall be the quotient of the dividend and divisor as
 7 defined in this section. The dividend shall be the
 8 total actual valuation established for 1978 by the
 9 department of revenue, plus ten percent of the amount
 10 so determined. The divisor for property valued by
 11 the department of revenue pursuant to chapters 428,
 12 433, 437, and 438 shall be the valuation established
 13 for 1978, plus the amount of value added to the total
 14 actual value by the revaluation of the property by
 15 the department of revenue as of January 1, 1979.
 16 ~~For valuations established as of January 1, 1980,~~
 17 ~~commercial property and industrial property, excluding~~
 18 ~~properties referred to in section 427A.1, subsection~~

19 ~~8, shall be assessed at a percentage of the actual~~
20 ~~value of each class of property. The percentage~~
21 ~~shall be determined for each class of property by~~
22 ~~the director of revenue for the state in accordance~~
23 ~~with the provisions of this section. For valuations~~
24 ~~established as of January 1, 1980, the percentage~~
25 ~~shall be the quotient of the dividend and divisor as~~
26 ~~defined in this section. The dividend for each class~~
27 ~~of property shall be the dividend as determined for~~
28 ~~each class of property for valuations established as~~
29 ~~of January 1, 1979, adjusted by the product obtained~~
30 ~~by multiplying the percentage determined for that year~~
31 ~~by the amount of any additions or deletions to actual~~
32 ~~value, excluding those resulting from the revaluation~~
33 ~~of existing properties, as reported by the assessors~~
34 ~~on the abstracts of assessment for 1979, plus four~~
35 ~~percent of the amount so determined. The divisor~~
36 ~~for each class of property shall be the total actual~~
37 ~~value of all such property in 1979, as equalized by~~
38 ~~the director of revenue pursuant to section 441.49,~~
39 ~~plus the amount of value added to the total actual~~
40 ~~value by the revaluation of existing properties in~~
41 ~~1980. The director shall utilize information reported~~
42 ~~on the abstracts of assessment submitted pursuant~~
43 ~~to section 441.45 in determining such percentage.~~
44 For valuations established as of January 1, 1980,
45 property valued by the department of revenue pursuant
46 to chapters 428, 433, 437, and 438 shall be assessed
47 at a percentage of its actual value. The percentage
48 shall be determined by the director of revenue in
49 accordance with the provisions of this section. For
50 valuations established as of January 1, 1980, the

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1 percentage shall be the quotient of the dividend and
2 divisor as defined in this section. The dividend shall
3 be the total actual valuation established for 1979 by
4 the department of revenue, plus eight percent of the
5 amount so determined. The divisor for property valued
6 by the department of revenue pursuant to chapters 428,
7 433, 437, and 438 shall be the valuation established
8 for 1979, plus the amount of value added to the total
9 actual value by the revaluation of the property by
10 the department of revenue as of January 1, 1980. ~~For~~
11 ~~valuations established as of January 1, 1981, and~~
12 ~~each year thereafter, the percentage of actual value~~
13 ~~as equalized by the director of revenue as provided~~
14 ~~in section 441.49 at which commercial property and~~
15 ~~industrial property, excluding properties referred to~~
16 ~~in section 427A.1, subsection 8, shall be assessed~~
17 ~~shall be calculated in accordance with the methods~~

18 ~~provided herein, except that any references to six~~
19 ~~percent in this subsection shall be four percent.~~
20 For valuations established as of January 1, 1981,
21 and each year thereafter, the percentage of actual
22 value at which property valued by the department of
23 revenue pursuant to chapters 428, 433, 437, and 438
24 shall be assessed shall be calculated in accordance
25 with the methods provided herein, except that any
26 references to ten percent in this subsection shall be
27 eight percent. For assessment years beginning on or
28 after January 1, 2013, but before January 1, 2019, the
29 percentage of actual value at which property valued by
30 the department of revenue pursuant to chapters 428,
31 433, 437, and 438 shall be assessed shall be calculated
32 using property valuations for the applicable assessment
33 years that include the total value of property exempt
34 from taxation under section 433.4, subsection 2,
35 paragraph "b", if enacted in division III of this Act,
36 notwithstanding section 433.4, subsection 2, paragraph
37 "c", if enacted in division III of this Act. Beginning
38 with valuations established as of January 1, 1979,
39 and each assessment year thereafter beginning before
40 January 1, 2013, property valued by the department of
41 revenue pursuant to chapter 434 shall also be assessed
42 at a percentage of its actual value which percentage
43 shall be equal to the percentage determined by the
44 director of revenue for commercial property, industrial
45 property, or property valued by the department of
46 revenue pursuant to chapters 428, 433, 437, and 438,
47 whichever is lowest. For valuations established
48 on or after January 1, 2013, property valued by the
49 department of revenue pursuant to chapter 434 shall
50 be assessed at a percentage of its actual value equal

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1 to the percentage of actual value at which property
2 assessed as commercial property is assessed for the
3 same assessment year under paragraph "b".
4 b. For valuations established on or after January
5 1, 2013, commercial property, excluding properties
6 referred to in section 427A.1, subsection 8, shall
7 be assessed as a percentage of its actual value, as
8 determined in this paragraph "b". For valuations
9 established for the assessment year beginning January
10 1, 2013, the percentage of actual value as equalized by
11 the director of revenue as provided in section 441.49
12 at which commercial property shall be assessed shall
13 be ninety-eight percent. For valuations established
14 for the assessment year beginning January 1, 2014,
15 the percentage of actual value as equalized by the
16 director of revenue as provided in section 441.49 at

17 which commercial property shall be assessed shall
18 be ninety-six percent. For valuations established
19 for the assessment year beginning January 1, 2015,
20 the percentage of actual value as equalized by the
21 director of revenue as provided in section 441.49 at
22 which commercial property shall be assessed shall
23 be ninety-four percent. For valuations established
24 for the assessment year beginning January 1, 2016,
25 the percentage of actual value as equalized by the
26 director of revenue as provided in section 441.49 at
27 which commercial property shall be assessed shall be
28 ninety-two percent. For valuations established for
29 the assessment year beginning January 1, 2017, and
30 each assessment year thereafter, the percentage of
31 actual value as equalized by the director of revenue as
32 provided in section 441.49 at which commercial property
33 shall be assessed shall be ninety percent.
34 c. For valuations established on or after January
35 1, 2013, industrial property, excluding properties
36 referred to in section 427A.1, subsection 8, shall
37 be assessed as a percentage of its actual value, as
38 determined in this paragraph “c”. For valuations
39 established for the assessment year beginning January
40 1, 2013, the percentage of actual value as equalized by
41 the director of revenue as provided in section 441.49
42 at which industrial property shall be assessed shall
43 be ninety-eight percent. For valuations established
44 for the assessment year beginning January 1, 2014,
45 the percentage of actual value as equalized by the
46 director of revenue as provided in section 441.49 at
47 which industrial property shall be assessed shall
48 be ninety-six percent. For valuations established
49 for the assessment year beginning January 1, 2015,
50 the percentage of actual value as equalized by the

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1 director of revenue as provided in section 441.49 at
2 which industrial property shall be assessed shall
3 be ninety-four percent. For valuations established
4 for the assessment year beginning January 1, 2016,
5 the percentage of actual value as equalized by the
6 director of revenue as provided in section 441.49 at
7 which industrial property shall be assessed shall be
8 ninety-two percent. For valuations established for
9 the assessment year beginning January 1, 2017, and
10 each assessment year thereafter, the percentage of
11 actual value as equalized by the director of revenue as
12 provided in section 441.49 at which industrial property
13 shall be assessed shall be ninety percent.
14 Sec. 8. NEW SECTION. 441.21A Commercial and
15 industrial property tax replacement fund — replacement

16 claims.

17 1. a. The commercial and industrial property
18 tax replacement fund is created in the state treasury
19 under the control of the department of revenue for
20 the payment of commercial and industrial property tax
21 replacement claims in fiscal years beginning on or
22 after July 1, 2014.

23 b. For the fiscal year beginning July 1, 2014,
24 there is appropriated from the general fund of the
25 state to the department of revenue to be credited to
26 the fund an amount necessary to pay all commercial
27 and industrial property tax replacement claims for
28 the fiscal year, not to exceed twenty-eight million
29 dollars. For the fiscal year beginning July 1, 2015,
30 there is appropriated from the general fund of the
31 state to the department of revenue to be credited to
32 the fund an amount necessary to pay all commercial and
33 industrial property tax replacement claims for the
34 fiscal year, not to exceed fifty-six million dollars.
35 For the fiscal year beginning July 1, 2016, there
36 is appropriated from the general fund of the state
37 to the department of revenue to be credited to the
38 fund an amount necessary to pay all commercial and
39 industrial property tax replacement claims for the
40 fiscal year, not to exceed eighty-four million dollars.
41 For the fiscal year beginning July 1, 2017, there is
42 appropriated from the general fund of the state to the
43 department of revenue to be credited to the fund an
44 amount necessary to pay all commercial and industrial
45 property tax replacement claims for the fiscal year,
46 not to exceed one hundred twelve million dollars. For
47 the fiscal year beginning July 1, 2018, and each fiscal
48 year thereafter, there is appropriated from the general
49 fund of the state to the department of revenue to be
50 credited to the fund an amount necessary to pay all

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1 commercial and industrial property tax replacement
2 claims for the fiscal year, not to exceed one hundred
3 forty million dollars.

4 2. Beginning with the fiscal year beginning July
5 1, 2014, each county treasurer shall be paid from the
6 commercial and industrial property tax replacement
7 fund an amount equal to the amount of the commercial
8 and industrial property tax replacement claims in the
9 county, as calculated in subsection 4. If an amount
10 appropriated for a fiscal year is insufficient to pay
11 all replacement claims, the director of revenue shall
12 prorate the disbursements from the fund to the county
13 treasurers and shall notify the county auditors of
14 the pro rata percentage on or before September 30.

15 Any unspent balance in the fund as of June 30 of each
16 year shall revert to the general fund of the state as
17 provided by section 8.33.

18 3. a. On or before July 1 of each fiscal year
19 beginning on or after July 1, 2014, the assessor shall
20 determine the total assessed value of all commercial
21 property, industrial property, and property assessed
22 by the department of revenue pursuant to chapter 434
23 assessed for taxes due and payable in that fiscal year
24 and the total assessed value of such property assessed
25 as of January 1, 2012, and shall report the valuations
26 to the county auditor.

27 b. For purposes of calculating replacement claims
28 under this division of this Act, the total assessed
29 value of commercial property, industrial property, and
30 property assessed by the department of revenue pursuant
31 to chapter 434 as of January 1, 2012, shall not include
32 property classified as multiresidential property under
33 section 441.21, subsection 13, if enacted by division
34 VI of this Act, which was classified as commercial
35 property, industrial property, or property assessed by
36 the department of revenue pursuant to chapter 434 for
37 assessment years beginning before January 1, 2013.

38 4. On or before September 1 of each fiscal year
39 beginning on or after July 1, 2014, the county auditor
40 shall prepare a statement, based upon the report
41 received pursuant to subsection 3, listing for each
42 taxing district in the county:

43 a. The difference between the assessed valuation
44 of all commercial property, industrial property,
45 and property assessed by the department of revenue
46 pursuant to chapter 434 for the assessment year used
47 to calculate taxes which are due and payable in the
48 applicable fiscal year and the assessed value of all
49 commercial property, industrial property, and property
50 assessed by the department of revenue pursuant to

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1 chapter 434 assessed as of January 1, 2012. If the
2 assessed value of all commercial property, industrial
3 property, and property assessed by the department of
4 revenue pursuant to chapter 434 assessed as of January
5 1, 2012, is less than the assessed valuation of all
6 commercial property, industrial property, and property
7 assessed by the department of revenue pursuant to
8 chapter 434 for the assessment year used to calculate
9 taxes which are due and payable in the applicable
10 fiscal year, there is no tax replacement for that
11 taxing district for the fiscal year.

12 b. The tax levy rate for each taxing district for
13 that fiscal year.

14 c. The commercial and industrial property tax
15 replacement claim for each taxing district. For
16 fiscal years beginning on or after July 1, 2014, the
17 replacement claim is equal to the amount determined
18 pursuant to paragraph "a", multiplied by the tax rate
19 specified in paragraph "b".

20 5. For purposes of computing replacement amounts
21 under this section, that portion of an urban renewal
22 area defined as the sum of the assessed valuations
23 defined in section 403.19, subsections 1 and 2, shall
24 be considered a taxing district.

25 6. a. The county auditor shall certify and forward
26 one copy of the statement to the department of revenue
27 not later than September 1 of each year.

28 b. The replacement claims shall be paid to each
29 county treasurer in equal installments in September
30 and March of each year. The county treasurer shall
31 apportion the replacement claim payments among the
32 eligible taxing districts in the county.

33 c. If the taxing district is an urban renewal
34 area, the amount of the replacement claim shall be
35 apportioned as provided in subsection 7.

36 7. a. If the total assessed value of property
37 located in an urban renewal area taxing district
38 for the assessment year for property taxes due and
39 payable in the applicable fiscal year is equal to or
40 more than that portion of such valuation defined in
41 section 403.19, subsection 1, the total replacement
42 claim amount computed pursuant to subsection 4 shall be
43 credited to that portion of the assessed value defined
44 in section 403.19, subsection 2.

45 b. If the total assessed value of the property
46 located in an urban renewal area taxing district for
47 the assessment year for property taxes due and payable
48 in the applicable fiscal year is less than that portion
49 of such valuation defined in section 403.19, subsection
50 1, the replacement amount shall be credited to those

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1 portions of the assessed value defined in section
2 403.19, subsections 1 and 2, as follows:
3 (1) To that portion defined in section 403.19,
4 subsection 1, an amount equal to the amount that would
5 be produced by multiplying the applicable consolidated
6 levy rate times the difference between the assessed
7 value of the taxable property defined in section
8 403.19, subsection 1, and the total assessed value
9 of the property located in the urban renewal area
10 taxing district in the assessment year for property
11 taxes due and payable in the fiscal year for which the
12 replacement claim is computed.

13 (2) To that portion defined in section 403.19,
14 subsection 2, the remaining amount, if any.
15 c. Notwithstanding the allocation provisions
16 of paragraphs “a” and “b”, the amount of the tax
17 replacement amount that shall be allocated to that
18 portion of the assessed value defined in section
19 403.19, subsection 2, shall not exceed the amount
20 equal to the amount certified to the county auditor
21 under section 403.19 for the fiscal year in which
22 the claim is paid, after deduction of the amount of
23 other revenues committed for payment on that amount
24 for the fiscal year. The amount not allocated to
25 that portion of the assessed value defined in section
26 403.19, subsection 2, as a result of the operation of
27 this paragraph, shall be allocated to that portion of
28 assessed value defined in section 403.19, subsection 1.
29 d. The amount of the replacement claim amount
30 credited to the portion of the assessed value defined
31 in section 403.19, subsection 1, shall be allocated
32 to and when received be paid into the fund for the
33 respective taxing district as taxes by or for the
34 taxing district into which all other property taxes
35 are paid. The amount of the replacement claim amount
36 credited to the portion of the assessed value defined
37 in section 403.19, subsection 2, shall be allocated to
38 and when collected be paid into the special fund of the
39 municipality under section 403.19, subsection 2.
40 Sec. 9. SAVINGS PROVISION. This division of this
41 Act, pursuant to section 4.13, does not affect the
42 operation of, or prohibit the application of, prior
43 provisions of section 441.21, or rules adopted under
44 chapter 17A to administer prior provisions of section
45 441.21, for assessment years beginning before January
46 1, 2013, and for duties, powers, protests, appeals,
47 proceedings, actions, or remedies attributable to an
48 assessment year beginning before January 1, 2013.
49 Sec. 10. APPLICABILITY. This division of this
50 Act applies to assessment years beginning on or after

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1 January 1, 2013.
2
3 DIVISION III
4 TELECOMMUNICATIONS PROPERTY TAX
5 Sec. 11. Section 427A.1, subsection 1, paragraph h,
6 Code 2011, is amended to read as follows:
7 h. Property assessed by the department of revenue
8 pursuant to sections 428.24 to 428.29, or chapters ~~433,~~
9 434, 437, 437A, and 438.
10 Sec. 12. Section 433.4, Code 2011, is amended to
11 read as follows:
12 433.4 Assessment.

12 1. The director of revenue shall on or before
 13 October 31 each year, proceed to find the actual value
 14 of the property of these companies in this state ~~used~~
 15 by the companies in the transaction of telegraph and
 16 telephone business, taking into consideration the
 17 information obtained from the statements required, and
 18 any further information the director can obtain, using
 19 the same as a means for determining the actual ~~cash~~
 20 value of the property of these companies within this
 21 state. ~~The director shall also take into consideration~~
 22 ~~the valuation of all property of these companies,~~
 23 ~~including franchises and the use of the property in~~
 24 ~~connection with lines outside the state, and making~~
 25 ~~these deductions as may be necessary on account of~~
 26 ~~extra value of property outside the state as compared~~
 27 ~~with the value of property in the state, in order that~~
 28 ~~the actual cash value of the property of the company~~
 29 ~~within this state may be ascertained. The assessment~~
 30 ~~shall include all property of every kind and character~~
 31 ~~whatsoever, real, personal, or mixed, used by the~~
 32 ~~companies in the transaction of telegraph and telephone~~
 33 ~~business; and the ~~The~~ property so included in the~~
 34 assessment shall not be taxed in any other manner than
 35 as provided in this chapter.

36 2. a. Except as provided in paragraph "c", for
 37 assessment years beginning on or after January 1,
 38 2013, a company's property, excluding the property
 39 identified in paragraph "b" as exempt from taxation,
 40 shall be subject to assessment and taxation under this
 41 chapter by the director of revenue in the same manner
 42 as property assessed and taxed as commercial property
 43 under chapters 427, 427A, 427B, 428, and 441.

44 b. All of the following is exempt from taxation and
 45 shall not be assessed for taxation under this chapter:

46 (1) Central office equipment.

47 (2) Transmission equipment.

48 (3) Qualified telephone company property. However,
 49 qualified telephone company property shall be valued
 50 and included in the company's assessment for the

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1 assessment years, and to the extent specified, in
 2 paragraph "c".

3 (4) Intangible property.

4 c. For assessment years beginning on or after
 5 January 1, 2013, but before January 1, 2018, the
 6 director of revenue shall include as part of the actual
 7 value determined under paragraph "a" for the applicable
 8 assessment year, the following:

9 (1) For the assessment year beginning January
 10 1, 2013, an amount equal to the actual value of the

11 company's qualified telephone company property that
 12 exceeds five million dollars.

13 (2) For the assessment year beginning January
 14 1, 2014, an amount equal to the actual value of the
 15 company's qualified telephone company property that
 16 exceeds twenty-five million dollars.

17 (3) For the assessment year beginning January
 18 1, 2015, an amount equal to the actual value of the
 19 company's qualified telephone company property that
 20 exceeds fifty million dollars.

21 (4) For the assessment year beginning January
 22 1, 2016, an amount equal to the actual value of the
 23 company's qualified telephone company property that
 24 exceeds one hundred million dollars.

25 (5) For the assessment year beginning January
 26 1, 2017, an amount equal to the actual value of the
 27 company's qualified telephone company property that
 28 exceeds one hundred fifty million dollars.

29 Sec. 13. Section 433.12, Code 2011, is amended by
 30 adding the following new subsections:

31 NEW SUBSECTION. 1A. As used in this chapter,
 32 "central office equipment" means equipment owned or
 33 leased by a company and used in initiating, amplifying,
 34 switching, or monitoring telecommunications services,
 35 including such ancillary equipment necessary for the
 36 support, regulation, control, repair, or testing of
 37 such equipment.

38 NEW SUBSECTION. 2A. As used in this chapter,
 39 "intangible property" includes but is not limited to
 40 goodwill associated with a company.

41 NEW SUBSECTION. 3. As used in this chapter,
 42 "qualified telephone company property" means telephone
 43 wire, telephone cable, fiber optic cable, conduit
 44 systems, poles, or other equipment owned or leased by
 45 a company and used by the company to transmit sound or
 46 data.

47 NEW SUBSECTION. 4. As used in this chapter,
 48 "transmission equipment" means equipment owned or
 49 leased by a company and used in the process of sending
 50 information from one location to another location,

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1 including such ancillary equipment necessary for the
 2 support, regulation, control, repair, or testing of
 3 such equipment.

4 Sec. 14. Section 476.1D, subsection 10, Code
 5 Supplement 2011, is amended by striking the subsection.

6 Sec. 15. SAVINGS PROVISION. This division of this
 7 Act, pursuant to section 4.13, does not affect the
 8 operation of, or prohibit the application of, prior
 9 provisions of chapter 433, or rules adopted under

10 chapter 17A to administer prior provisions of chapter
 11 433, for assessment years beginning before January
 12 1, 2013, and for duties, powers, protests, appeals,
 13 proceedings, actions, or remedies attributable to an
 14 assessment year beginning before January 1, 2013.

15 Sec. 16. IMPLEMENTATION. Section 25B.7 shall not
 16 apply to this division of this Act.

17 Sec. 17. EFFECTIVE DATE.

18 1. Except as provided in subsection 2, this
 19 division of this Act takes effect July 1, 2012.

20 2. The section of this division of this Act
 21 amending section 476.1D takes effect July 1, 2017.

22 Sec. 18. APPLICABILITY.

23 1. Except as provided in subsection 2, this
 24 division of this Act applies to assessment years
 25 beginning on or after January 1, 2013.

26 2. The section of this division of this Act
 27 amending section 476.1D applies to assessment years
 28 beginning on or after January 1, 2018.

29 DIVISION IV

30 COUNTY AND CITY BUDGET LIMITATION

31 Sec. 19. Section 23A.2, subsection 10, paragraph h,
 32 Code 2011, is amended to read as follows:

33 h. The performance of an activity listed in
 34 section 331.424, Code 2011, as a service ~~for~~ which a
 35 ~~supplemental levy county may be certified~~ include in
 36 its budget.

37 Sec. 20. Section 28M.5, subsection 2, Code 2011, is
 38 amended to read as follows:

39 2. If a regional transit district budget allocates
 40 revenue responsibilities to the board of supervisors
 41 of a participating county, the amount of the regional
 42 transit district levy that is the responsibility of the
 43 participating county shall be deducted from the maximum
 44 ~~rate amount~~ of taxes authorized to be levied by the
 45 county pursuant to section 331.423, ~~subsections 1 and~~
 46 ~~2~~ subsection 3, paragraphs "b" and "c", as applicable,
 47 unless the county meets its revenue responsibilities as
 48 allocated in the budget from other available revenue
 49 sources. However, for a regional transit district
 50 that includes a county with a population of less than

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1 three hundred thousand, the amount of the regional
 2 transit district levy that is the responsibility of
 3 such participating county shall be deducted from the
 4 maximum ~~rate amount~~ of taxes authorized to be levied
 5 by the county pursuant to section 331.423, subsection
 6 ~~1~~ 3, paragraph "b".

7 Sec. 21. Section 123.38, subsection 2, Code 2011,
 8 is amended to read as follows:

9 2. Any licensee or permittee, or the licensee's
10 or permittee's executor or administrator, or any
11 person duly appointed by the court to take charge of
12 and administer the property or assets of the licensee
13 or permittee for the benefit of the licensee's or
14 permittee's creditors, may voluntarily surrender a
15 license or permit to the division. When a license
16 or permit is surrendered the division shall notify
17 the local authority, and the division or the local
18 authority shall refund to the person surrendering the
19 license or permit, a proportionate amount of the fee
20 received by the division or the local authority for
21 the license or permit as follows: if a license or
22 permit is surrendered during the first three months
23 of the period for which it was issued, the refund
24 shall be three-fourths of the amount of the fee;
25 if surrendered more than three months but not more
26 than six months after issuance, the refund shall be
27 one-half of the amount of the fee; if surrendered more
28 than six months but not more than nine months after
29 issuance, the refund shall be one-fourth of the amount
30 of the fee. No refund shall be made, however, for
31 any special liquor permit, nor for a liquor control
32 license, wine permit, or beer permit surrendered more
33 than nine months after issuance. For purposes of this
34 subsection, any portion of license or permit fees
35 used for the purposes authorized in section 331.424,
36 subsection 1, paragraph "a", subparagraphs (1) and
37 (2), Code 2011, and in section 331.424A, shall not be
38 deemed received either by the division or by a local
39 authority. No refund shall be made to any licensee or
40 permittee, upon the surrender of the license or permit,
41 if there is at the time of surrender, a complaint filed
42 with the division or local authority, charging the
43 licensee or permittee with a violation of this chapter.
44 If upon a hearing on a complaint the license or permit
45 is not revoked or suspended, then the licensee or
46 permittee is eligible, upon surrender of the license
47 or permit, to receive a refund as provided in this
48 section; but if the license or permit is revoked or
49 suspended upon hearing the licensee or permittee is not
50 eligible for the refund of any portion of the license

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1 or permit fee.
2 Sec. 22. Section 218.99, Code 2011, is amended to
3 read as follows:
4 218.99 Counties to be notified of patients' personal
5 accounts.
6 The administrator in control of a state institution
7 shall direct the business manager of each institution

8 under the administrator's jurisdiction ~~which is~~
 9 ~~mentioned in section 331.424, subsection 1, paragraph~~
 10 ~~"a", subparagraphs (1) and (2), and for which services~~
 11 ~~are paid under section 331.424A, to quarterly inform~~
 12 ~~the county of legal settlement's entity designated to~~
 13 ~~perform the county's central point of coordination~~
 14 ~~process of any patient or resident who has an amount~~
 15 ~~in excess of two hundred dollars on account in the~~
 16 ~~patients' personal deposit fund and the amount on~~
 17 ~~deposit. The administrators shall direct the business~~
 18 ~~manager to further notify the entity designated to~~
 19 ~~perform the county's central point of coordination~~
 20 ~~process at least fifteen days before the release of~~
 21 ~~funds in excess of two hundred dollars or upon the~~
 22 ~~death of the patient or resident. If the patient or~~
 23 ~~resident has no county of legal settlement, notice~~
 24 ~~shall be made to the director of human services and the~~
 25 ~~administrator in control of the institution involved.~~
 26 Sec. 23. Section 331.263, subsection 2, Code 2011,
 27 is amended to read as follows:

28 2. The governing body of the community commonwealth
 29 shall have the authority to levy county taxes and shall
 30 have the authority to levy city taxes to the extent the
 31 city tax levy authority is transferred by the charter
 32 to the community commonwealth. A city participating
 33 in the community commonwealth shall transfer a portion
 34 of the city's tax levy authorized under section 384.1
 35 or 384.12, whichever is applicable, to the governing
 36 body of the community commonwealth. The maximum
 37 ~~rates amount~~ of taxes authorized to be levied under
 38 ~~sections section~~ 384.1 and ~~the maximum amount of taxes~~
 39 ~~authorized to be levied under section~~ 384.12 by a city
 40 participating in the community commonwealth shall be
 41 reduced by an amount equal to the rates of the same or
 42 similar taxes levied in the city by the governing body
 43 of the community commonwealth.

44 Sec. 24. Section 331.301, subsection 12, Code
 45 Supplement 2011, is amended to read as follows:

46 12. The board of supervisors may credit funds to
 47 a reserve for the purposes authorized by subsection
 48 11 of this section; ~~section 331.424, subsection 1,~~
 49 ~~paragraph "a", subparagraph (6); and section 331.441,~~
 50 ~~subsection 2, paragraph "b".~~ Moneys credited to the

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1 reserve, and interest earned on such moneys, shall
 2 remain in the reserve until expended for purposes
 3 authorized by subsection 11 of this section; ~~section~~
 4 ~~331.424, subsection 1, paragraph "a", subparagraph (6);~~
 5 ~~or section 331.441, subsection 2, paragraph "b".~~
 6 Sec. 25. Section 331.421, subsections 1 and 10,

7 Code 2011, are amended by striking the subsections.

8 Sec. 26. Section 331.421, Code 2011, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 7A. "Item" means a budgeted
11 expenditure, appropriation, or cash reserve from a
12 fund for a service area, program, program element, or
13 purpose.

14 Sec. 27. Section 331.423, Code 2011, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 331.423 Property tax dollars — maximums.

18 1. Annually, the board shall determine separate
19 property tax levy limits to pay for general county
20 services and rural county services in accordance with
21 this section. The property tax levies separately
22 certified for general county services and rural county
23 services under section 331.434 shall not raise property
24 tax dollars that exceed the amount determined under
25 this section.

26 2. For purposes of this section and section
27 331.423B, unless the context otherwise requires:

28 a. "Annual growth factor" means an index, expressed
29 as a percentage, determined by the department of
30 management by January 1 of the calendar year in which
31 the budget year begins. In determining the annual
32 growth factor, the department shall calculate the
33 average of the preceding twelve-month percentage
34 change, which shall be computed on a monthly basis,
35 in the midwest consumer price index, ending with the
36 percentage change for the month of November. The
37 department shall then add that average percentage
38 change to one hundred percent. In no case, however,
39 shall the annual growth factor exceed one hundred four
40 percent.

41 b. "Boundary adjustment" means annexation,
42 severance, incorporation, or discontinuance as those
43 terms are defined in section 368.1.

44 c. "Budget year" is the fiscal year beginning
45 during the calendar year in which a budget is
46 certified.

47 d. "Current fiscal year" is the fiscal year
48 ending during the calendar year in which a budget is
49 certified.

50 e. "Net new valuation taxes" means the amount of

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1 property tax dollars equal to the current fiscal year's
2 levy rate in the county for general county services or
3 for rural county services, as applicable, multiplied by
4 the increase from the current fiscal year to the budget
5 year in taxable valuation due to the following:

6 (1) Net new construction, excluding all incremental
7 valuation that is released in any one year from either
8 a division of revenue under section 260E.4 or 357H.9,
9 or an urban renewal area for which taxes were being
10 divided under section 403.19 if the property for
11 the valuation being released remains subject to the
12 division of revenue under section 260E.4 or 357H.9, or
13 remains part of the urban renewal area that is subject
14 to a division of revenue under section 403.19.

15 (2) Additions or improvements to existing
16 structures.

17 (3) Remodeling of existing structures for which a
18 building permit is required.

19 (4) Net boundary adjustment.

20 (5) A municipality no longer dividing tax revenues
21 in an urban renewal area as provided in section 403.19,
22 a community college no longer dividing revenues as
23 provided in section 260E.4, or a rural improvement zone
24 no longer dividing revenues as provided in section
25 357H.9.

26 (6) That portion of taxable property located in an
27 urban revitalization area on which an exemption was
28 allowed and such exemption has expired.

29 3. a. For the fiscal year beginning July 1, 2013,
30 and subsequent fiscal years, the maximum amount of
31 property tax dollars which may be certified for levy by
32 a county for general county services and rural county
33 services shall be the maximum property tax dollars
34 calculated under paragraphs "b" and "c", respectively.

35 b. The maximum property tax dollars that may be
36 levied for general county services is an amount equal
37 to the sum of the following:

38 (1) The annual growth factor times the current
39 fiscal year's maximum property tax dollars for general
40 county services.

41 (2) The amount of net new valuation taxes in the
42 county.

43 c. The maximum property tax dollars that may be
44 levied for rural county services is an amount equal to
45 the sum of the following:

46 (1) The annual growth factor times the current
47 fiscal year's maximum property tax dollars for rural
48 county services.

49 (2) The amount of net new valuation taxes in the
50 unincorporated area of the county.

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1 4. a. For purposes of calculating maximum property
2 tax dollars for general county services for the fiscal
3 year beginning July 1, 2013, only, the term "current
4 fiscal year's maximum property tax dollars" shall mean

5 the total amount of property tax dollars certified by
6 the county for general county services for the fiscal
7 year beginning July 1, 2012.

8 b. For purposes of calculating maximum property tax
9 dollars for rural county services for the fiscal year
10 beginning July 1, 2013, only, the term “current fiscal
11 year’s maximum property tax dollars” shall mean the
12 total amount of property tax dollars certified by the
13 county for rural county services for the fiscal year
14 beginning July 1, 2012.

15 5. Property taxes certified for mental health,
16 mental retardation, and developmental disabilities
17 services, the emergency services fund in section
18 331.424C, the debt service fund in section 331.430,
19 any capital projects fund established by the county
20 for deposit of bond, loan, or note proceeds, and
21 any temporary increase approved pursuant to section
22 331.424, are not included in the maximum amount of
23 property tax dollars that may be certified for a budget
24 year under subsection 3.

25 6. The department of management, in consultation
26 with the county finance committee, shall adopt rules
27 to administer this section. The department shall
28 prescribe forms to be used by counties when making
29 calculations required by this section.

30 Sec. 28. NEW SECTION. 331.423B Ending fund
31 balance.

32 1. a. Budgeted ending fund balances for a budget
33 year in excess of twenty-five percent of budgeted
34 expenditures in either the general fund or rural
35 services fund for that budget year shall be explicitly
36 reserved or designated for a specific purpose.

37 b. A county is encouraged, but not required, to
38 reduce ending fund balances for the budget year to an
39 amount equal to approximately twenty-five percent of
40 budgeted expenditures and transfers from the general
41 fund and rural services fund for that budget year
42 unless a decision is certified by the state appeal
43 board ordering a reduction in the ending fund balance
44 of any of those funds.

45 c. In a protest to the county budget under section
46 331.436, the county shall have the burden of proving
47 that the budgeted balances in excess of twenty-five
48 percent are reasonably likely to be appropriated for
49 the explicitly reserved or designated specific purpose.
50 The excess budgeted balance for the specific purpose

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1 shall be considered an increase in an item in the
2 budget for purposes of section 24.28.
3 2. a. For a county that has, as of June 30, 2012,
4 reduced its actual ending fund balance to less than
5 twenty-five percent of actual expenditures, additional
6 property taxes may be computed and levied as levied
7 in this subsection. The additional property tax levy
8 amount is an amount not to exceed twenty-five percent
9 of actual expenditures from the general fund and rural
10 services fund for the fiscal year beginning July 1,
11 2011, minus the combined ending fund balances for those
12 funds for that year.

13 b. The amount of the additional property taxes
14 shall be apportioned between the general fund and the
15 rural services fund. However, the amount apportioned
16 for general county services and for rural county
17 services shall not exceed for each fund twenty-five
18 percent of actual expenditures for the fiscal year
19 beginning July 1, 2011.

20 c. All or a portion of additional property tax
21 dollars may be levied for the purpose of increasing
22 cash reserves for general county services and rural
23 county services in the budget year. The additional
24 property tax dollars authorized under this subsection
25 but not levied may be carried forward as unused ending
26 fund balance taxing authority until and for the fiscal
27 year beginning July 1, 2018. The amount carried
28 forward shall not exceed twenty-five percent of the
29 maximum amount of property tax dollars available in
30 the current fiscal year. Additionally, property taxes
31 that are levied as unused ending fund balance taxing
32 authority under this subsection may be the subject of
33 a protest under section 331.436, and the amount will
34 be considered an increase in an item in the budget for
35 purposes of section 24.28. The amount of additional
36 property taxes levied under this subsection shall not
37 be included in the computation of the maximum amount of
38 property tax dollars which may be certified and levied
39 under section 331.423.

40 Sec. 29. Section 331.424, Code 2011, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 331.424 Authority to levy beyond maximum property
44 tax dollars.

45 1. The board may certify additions to the maximum
46 amount of property tax dollars to be levied for
47 a period of time not to exceed two years if the
48 proposition has been submitted at a special election
49 and received a favorable majority of the votes cast on
50 the proposition.

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- 1 2. The special election is subject to the
2 following:
3 a. The board must give at least thirty-two days'
4 notice to the county commissioner of elections that the
5 special election is to be held. In no case, however,
6 shall a notice be given to the county commissioner
7 of elections after December 31 for an election on a
8 proposition to exceed the statutory limits during the
9 fiscal year beginning in the next calendar year.
10 b. The special election shall be conducted by the
11 county commissioner of elections in accordance with
12 law.
13 c. The proposition to be submitted shall be
14 substantially in the following form:
15 Vote "yes" or "no" on the following: Shall the
16 county of _____ levy for an additional \$_____ each
17 year for ___ years beginning July 1, _____, in excess
18 of the statutory limits otherwise applicable for the
19 (general county services or rural services) fund?
20 d. The canvass shall be held beginning at 1:00 p.m.
21 on the second day which is not a holiday following the
22 special election.
23 e. Notice of the special election shall be
24 published at least once in a newspaper as specified
25 in section 331.305 prior to the date of the special
26 election. The notice shall appear as early as
27 practicable after the board has voted to submit a
28 proposition to the voters to levy additional property
29 tax dollars.
30 3. Registered voters in the county may vote on the
31 proposition to increase property taxes for the general
32 fund in excess of the statutory limit. Registered
33 voters residing outside the corporate limits of a
34 city within the county may vote on the proposition to
35 increase property taxes for the rural services fund in
36 excess of the statutory limit.
37 4. The amount of additional property tax dollars
38 certified under this section shall not be included in
39 the computation of the maximum amount of property tax
40 dollars which may be certified and levied under section
41 331.423.
42 Sec. 30. Section 331.424A, subsection 4, Code
43 Supplement 2011, is amended to read as follows:
44 4. For the fiscal year beginning July 1, 1996,
45 and for each subsequent fiscal year, the county shall
46 certify a levy for payment of services. For each
47 fiscal year, county revenues from taxes imposed by the
48 county credited to the services fund shall not exceed
49 an amount equal to the amount of base year expenditures
50 for services as defined in section 331.438, less the

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1 amount of property tax relief to be received pursuant
 2 to section 426B.2, in the fiscal year for which the
 3 budget is certified. The county auditor and the
 4 board of supervisors shall reduce the amount of the
 5 levy certified for the services fund by the amount of
 6 property tax relief to be received. A levy certified
 7 under this section is not subject to ~~the appeal~~
 8 ~~provisions of section 331.426 or to any other provision~~
 9 in law authorizing a county to exceed, increase, or
 10 appeal a property tax levy limit.

11 Sec. 31. Section 331.427, subsection 3, paragraph
 12 1, Code 2011, is amended to read as follows:

13 1. Services listed in section 331.424, subsection
 14 1, Code 2011, and section 331.554.

15 Sec. 32. Section 331.428, subsection 2, paragraph
 16 d, Code 2011, is amended to read as follows:

17 d. Services listed under section 331.424,
 18 subsection 2, Code 2011.

19 Sec. 33. Section 331.434, subsection 1, Code 2011,
 20 is amended to read as follows:

21 1. The budget shall show the amount required for
 22 each class of proposed expenditures, a comparison of
 23 the amounts proposed to be expended with the amounts
 24 expended for like purposes for the two preceding years,
 25 the revenues from sources other than property taxation,
 26 and the amount to be raised by property taxation, in
 27 the detail and form prescribed by the director of the
 28 department of management. For each county that has
 29 established an urban renewal area, the budget shall
 30 include estimated and actual tax increment financing
 31 revenues and all estimated and actual expenditures of
 32 the revenues, proceeds from debt and all estimated
 33 and actual expenditures of the debt proceeds, and
 34 identification of any entity receiving a direct payment
 35 of taxes funded by tax increment financing revenues
 36 and shall include the total amount of loans, advances,
 37 indebtedness, or bonds outstanding at the close of
 38 the most recently ended fiscal year, which qualify
 39 for payment from the special fund created in section
 40 403.19, including interest negotiated on such loans,
 41 advances, indebtedness, or bonds. For purposes of this
 42 subsection, "indebtedness" includes written agreements
 43 whereby the county agrees to suspend, abate, exempt,
 44 rebate, refund, or reimburse property taxes, provide a
 45 grant for property taxes paid, or make a direct payment
 46 of taxes, with moneys in the special fund. The amount
 47 of loans, advances, indebtedness, or bonds shall be
 48 listed in the aggregate for each county reporting. ~~The~~
 49 ~~county finance committee, in consultation with the~~
 50 ~~department of management and the legislative services~~

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1 ~~agency shall determine reporting criteria and shall~~
2 ~~prepare a form for reports filed with the department~~
3 ~~pursuant to this section. The department shall make~~
4 ~~the information available by electronic means.~~

5 Sec. 34. Section 373.10, Code 2011, is amended to
6 read as follows:

7 373.10 Taxing authority.

8 The metropolitan council shall have the authority
9 to levy city taxes to the extent the city tax levy
10 authority is transferred by the charter to the
11 metropolitan council. A member city shall transfer
12 a portion of the city's tax levy authorized under
13 section 384.1 or 384.12, whichever is applicable, to
14 the metropolitan council. The maximum ~~rates amount of~~
15 taxes authorized to be levied under ~~sections~~ section
16 384.1 and the taxes authorized to be levied under
17 section

18 384.12 by a member city shall be reduced by an amount
19 equal to the rates of the same or similar taxes levied
20 in the city by the metropolitan council.

21 Sec. 35. Section 384.1, Code 2011, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 384.1 Property tax dollars — maximums.

25 1. A city shall certify taxes to be levied by the
26 city on all taxable property within the city limits,
27 for all city government purposes. Annually, the city
28 council may certify basic levies for city government
29 purposes, subject to the limitation on property tax
30 dollars provided in this section.

31 2. For purposes of this section and section 384.1B,
32 unless the context otherwise requires:

33 a. "Annual growth factor" means an index, expressed
34 as a percentage, determined by the department of
35 management by January 1 of the calendar year in which
36 the budget year begins. In determining the annual
37 growth factor, the department shall calculate the
38 average of the preceding twelve-month percentage
39 change, which shall be computed on a monthly basis,
40 in the midwest consumer price index, ending with the
41 percentage change for the month of November. The
42 department shall then add that average percentage
43 change to one hundred percent. In no case, however,
44 shall the annual growth factor exceed one hundred four
45 percent.

46 b. "Boundary adjustment" means annexation,
47 severance, incorporation, or discontinuance as those
48 terms are defined in section 368.1.

49 c. "Budget year" is the fiscal year beginning
50 during the calendar year in which a budget is

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- 1 certified.
- 2 d. "Current fiscal year" is the fiscal year
3 ending during the calendar year in which a budget is
4 certified.
- 5 e. "Net new valuation taxes" means the amount of
6 property tax dollars equal to the current fiscal year's
7 levy rate in the city for the general fund multiplied
8 by the increase from the current fiscal year to the
9 budget year in taxable valuation due to the following:
- 10 (1) Net new construction, excluding all incremental
11 valuation that is released in any one year from either
12 a division of revenue under section 260E.4 or an urban
13 renewal area for which taxes were being divided under
14 section 403.19 if the property for the valuation being
15 released remains subject to the division of revenue
16 under section 260E.4 or remains part of the urban
17 renewal area that is subject to a division of revenue
18 under section 403.19.
- 19 (2) Additions or improvements to existing
20 structures.
- 21 (3) Remodeling of existing structures for which a
22 building permit is required.
- 23 (4) Net boundary adjustment.
- 24 (5) A municipality no longer dividing tax revenues
25 in an urban renewal area as provided in section 403.19
26 or a community college no longer dividing revenues as
27 provided in section 260E.4.
- 28 (6) That portion of taxable property located in an
29 urban revitalization area on which an exemption was
30 allowed and such exemption has expired.
- 31 3. a. For the fiscal year beginning July 1, 2013,
32 and subsequent fiscal years, the maximum amount of
33 property tax dollars which may be certified for levy
34 by a city for the general fund shall be the maximum
35 property tax dollars calculated under paragraph "b".
- 36 b. The maximum property tax dollars that may be
37 levied for deposit in the general fund is an amount
38 equal to the sum of the following:
- 39 (1) The annual growth factor times the current
40 fiscal year's maximum property tax dollars for the
41 general fund.
- 42 (2) The amount of net new valuation taxes in the
43 city.
- 44 4. For purposes of calculating maximum property tax
45 dollars for the city general fund for the fiscal year
46 beginning July 1, 2013, only, the term "current fiscal
47 year's maximum property tax dollars" shall mean the
48 total amount of property tax dollars certified by the
49 city for the city's general fund for the fiscal year
50 beginning July 1, 2012.

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1 5. Property taxes certified for deposit in the
2 debt service fund in section 384.4, trust and agency
3 funds in section 384.6, capital improvements reserve
4 fund in section 384.7, the emergency fund in section
5 384.8, any capital projects fund established by the
6 city for deposit of bond, loan, or note proceeds,
7 any temporary increase approved pursuant to section
8 384.12A, property taxes collected from a voted levy
9 in section 384.12, and property taxes levied under
10 section 384.12, subsection 18, are not counted against
11 the maximum amount of property tax dollars that may be
12 certified for a fiscal year under subsection 3.

13 6. Notwithstanding the maximum amount of taxes
14 a city may certify for levy, the tax levied by a
15 city on tracts of land and improvements on the
16 tracts of land used and assessed for agricultural or
17 horticultural purposes shall not exceed three dollars
18 and three-eighths cents per thousand dollars of
19 assessed value in any year. Improvements located on
20 such tracts of land and not used for agricultural or
21 horticultural purposes and all residential dwellings
22 are subject to the same rate of tax levied by the city
23 on all other taxable property within the city.

24 7. The department of management, in consultation
25 with the city finance committee, shall adopt rules
26 to administer this section. The department shall
27 prescribe forms to be used by cities when making
28 calculations required by this section.

29 Sec. 36. NEW SECTION. 384.1B Ending fund balance.

30 1. a. Budgeted ending fund balances for a budget
31 year in excess of twenty-five percent of budgeted
32 expenditures from the general fund for that budget
33 year shall be explicitly reserved or designated for a
34 specific purpose.

35 b. A city is encouraged, but not required, to
36 reduce ending fund balances for the budget year to
37 an amount equal to approximately twenty-five percent
38 of budgeted expenditures and transfers from the
39 general fund for that budget year unless a decision
40 is certified by the state appeal board ordering a
41 reduction in the ending fund balance of the fund.

42 c. In a protest to the city budget under section
43 384.19, the city shall have the burden of proving
44 that the budgeted balances in excess of twenty-five
45 percent are reasonably likely to be appropriated for
46 the explicitly reserved or designated specific purpose.
47 The excess budgeted balance for the specific purpose
48 shall be considered an increase in an item in the
49 budget for purposes of section 24.28.

50 2. a. For a city that has, as of June 30,

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1 2012, reduced its ending fund balance to less than
2 twenty-five percent of actual expenditures, additional
3 property taxes may be computed and levied as provided
4 in this subsection. The additional property tax levy
5 amount is an amount not to exceed the difference
6 between twenty-five percent of actual expenditures for
7 city government purposes for the fiscal year beginning
8 July 1, 2011, minus the ending fund balance for that
9 year.

10 b. All or a portion of additional property tax
11 dollars may be levied for the purpose of increasing
12 cash reserves for city government purposes in the
13 budget year. The additional property tax dollars
14 authorized under this subsection but not levied may be
15 carried forward as unused ending fund balance taxing
16 authority until and for the fiscal year beginning
17 July 1, 2018. The amount carried forward shall not
18 exceed twenty-five percent of the maximum amount of
19 property tax dollars available in the current fiscal
20 year. Additionally, property taxes that are levied
21 as unused ending fund balance taxing authority under
22 this subsection may be the subject of a protest under
23 section 384.19, and the amount will be considered an
24 increase in an item in the budget for purposes of
25 section 24.28. The amount of additional property tax
26 dollars levied under this subsection shall not be
27 included in the computation of the maximum amount of
28 property tax dollars which may be certified and levied
29 under section 384.1.

30 Sec. 37. Section 384.12, subsection 20, Code 2011,
31 is amended by striking the subsection.

32 Sec. 38. NEW SECTION. 384.12A Authority to levy
33 beyond maximum property tax dollars.

34 1. The city council may certify additions to the
35 maximum amount of property tax dollars to be levied
36 for a period of time not to exceed two years if the
37 proposition has been submitted at a special election
38 and received a favorable majority of the votes cast on
39 the proposition.

40 2. The special election is subject to the
41 following:

42 a. The city council must give at least thirty-two
43 days' notice to the county commissioner of elections
44 that the special election is to be held. In no
45 case, however, shall a notice be given to the county
46 commissioner of elections after December 31 for an
47 election on a proposition to exceed the statutory
48 limits during the fiscal year beginning in the next
49 calendar year.

50 b. The special election shall be conducted by the

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1 county commissioner of elections in accordance with
2 law.

3 c. The proposition to be submitted shall be
4 substantially in the following form:
5 Vote "yes" or "no" on the following: Shall the city
6 of _____ levy for an additional \$ _____ each year
7 for ___ years beginning next July 1, ____, in excess of
8 the statutory limits otherwise applicable for the city
9 general fund?

10 d. The canvass shall be held beginning at 1:00 p.m.
11 on the second day which is not a holiday following the
12 special election.

13 e. Notice of the special election shall be
14 published at least once in a newspaper as specified
15 in section 362.3 prior to the date of the special
16 election. The notice shall appear as early as
17 practicable after the city council has voted to submit
18 a proposition to the voters to levy additional property
19 tax dollars.

20 3. The amount of additional property tax dollars
21 certified under this section shall not be included in
22 the computation of the maximum amount of property tax
23 dollars which may be certified and levied under section
24 384.1.

25 Sec. 39. Section 384.16, subsection 1, paragraph b,
26 Code 2011, is amended to read as follows:

27 b. A budget must show comparisons between the
28 estimated expenditures in each program in the following
29 year, the latest estimated expenditures in each program
30 in the current year, and the actual expenditures in
31 each program from the annual report as provided in
32 section 384.22, or as corrected by a subsequent audit
33 report. Wherever practicable, as provided in rules
34 of the committee, a budget must show comparisons
35 between the levels of service provided by each program
36 as estimated for the following year, and actual
37 levels of service provided by each program during
38 the two preceding years. For each city that has
39 established an urban renewal area, the budget shall
40 include estimated and actual tax increment financing
41 revenues and all estimated and actual expenditures of
42 the revenues, proceeds from debt and all estimated
43 and actual expenditures of the debt proceeds, and
44 identification of any entity receiving a direct payment
45 of taxes funded by tax increment financing revenues
46 and shall include the total amount of loans, advances,
47 indebtedness, or bonds outstanding at the close of
48 the most recently ended fiscal year, which qualify
49 for payment from the special fund created in section
50 403.19, including interest negotiated on such loans,

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1 advances, indebtedness, or bonds. The amount of loans,
2 advances, indebtedness, or bonds shall be listed in the
3 aggregate for each city reporting. ~~The city finance
4 committee, in consultation with the department of
5 management and the legislative services agency, shall
6 determine reporting criteria and shall prepare a form
7 for reports filed with the department pursuant to this
8 section. The department shall make the information
9 available by electronic means.~~

10 Sec. 40. Section 384.19, Code 2011, is amended by
11 adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. For purposes of a tax
13 protest filed under this section, "item" means a
14 budgeted expenditure, appropriation, or cash reserve
15 from a fund for a service area, program, program
16 element, or purpose.

17 Sec. 41. Section 386.8, Code 2011, is amended to
18 read as follows:

19 386.8 Operation tax.

20 A city may establish a self-supported improvement
21 district operation fund, and may certify taxes not
22 to exceed the rate limitation as established in the
23 ordinance creating the district, or any amendment
24 thereto, each year to be levied for the fund against
25 all of the property in the district, for the purpose
26 of paying the administrative expenses of the district,
27 which may include but are not limited to administrative
28 personnel salaries, a separate administrative office,
29 planning costs including consultation fees, engineering
30 fees, architectural fees, and legal fees and all other
31 expenses reasonably associated with the administration
32 of the district and the fulfilling of the purposes of
33 the district. The taxes levied for this fund may also
34 be used for the purpose of paying maintenance expenses
35 of improvements or self-liquidating improvements for a
36 specified length of time with one or more options to
37 renew if such is clearly stated in the petition which
38 requests the council to authorize construction of the
39 improvement or self-liquidating improvement, whether
40 or not such petition is combined with the petition
41 requesting creation of a district. Parcels of property
42 which are assessed as residential property for property
43 tax purposes are exempt from the tax levied under this
44 section except residential properties within a duly
45 designated historic district. A tax levied under
46 this section is not subject to the ~~levy~~ limitation in
47 section 384.1.

48 Sec. 42. Section 386.9, Code 2011, is amended to
49 read as follows:

50 386.9 Capital improvement tax.

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1 A city may establish a capital improvement fund
2 for a district and may certify taxes, not to exceed
3 the rate established by the ordinance creating the
4 district, or any subsequent amendment thereto,
5 each year to be levied for the fund against all of
6 the property in the district, for the purpose of
7 accumulating moneys for the financing or payment
8 of a part or all of the costs of any improvement or
9 self-liquidating improvement. However, parcels of
10 property which are assessed as residential property
11 for property tax purposes are exempt from the tax
12 levied under this section except residential properties
13 within a duly designated historic district. A tax
14 levied under this section is not subject to the ~~levy~~
15 limitations in section 384.1 or 384.7.

16 Sec. 43. REPEAL. Sections 331.425 and 331.426,
17 Code 2011, are repealed.

18 Sec. 44. APPLICABILITY. This division of this Act
19 applies to fiscal years beginning on or after July 1,
20 2013.

21 DIVISION V

22 BUSINESS PROPERTY TAX CREDIT

23 Sec. 45. Section 331.512, Code 2011, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 13B. Carry out duties relating to
26 the business property tax credit as provided in chapter
27 426C.

28 Sec. 46. Section 331.559, Code 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 14A. Carry out duties relating to
31 the business property tax credit as provided in chapter
32 426C.

33 Sec. 47. NEW SECTION. 426C.1 Definitions.

34 For the purposes of this chapter, unless the context
35 otherwise requires:

36 1. "Contiguous parcels" means any of the following:

37 a. Parcels that share a common boundary.

38 b. Parcels within the same building or structure
39 regardless of whether the parcels share a common
40 boundary.

41 c. Permanent improvements to the land that are
42 situated on one or more parcels of land that are
43 assessed and taxed separately from the permanent
44 improvements if the parcels of land upon which the
45 permanent improvements are situated share a common
46 boundary.

47 2. "Department" means the department of revenue.

48 3. "Fund" means the business property tax credit
49 fund created in section 426C.2.

50 4. "Parcel" means as defined in section 445.1.

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1 5. "Property unit" means contiguous parcels all of
2 which are located within the same county, with the same
3 property tax classification, each of which contains
4 permanent improvements, are owned by the same person,
5 and are operated by that person for a common use and
6 purpose.

7 Sec. 48. NEW SECTION. 426C.2 Business property tax
8 credit fund — appropriation.

9 1. A business property tax credit fund is created
10 in the state treasury under the authority of the
11 department. For the fiscal year beginning July 1,
12 2014, there is appropriated from the general fund of
13 the state to the department to be credited to the
14 fund, the sum of twenty-four million dollars to be
15 used for business property tax credits authorized in
16 this chapter. For the fiscal year beginning July 1,
17 2015, there is appropriated from the general fund of
18 the state to the department to be credited to the fund,
19 the sum of forty-eight million dollars. For the fiscal
20 year beginning July 1, 2016, there is appropriated from
21 the general fund of the state to the department to be
22 credited to the fund, the sum of seventy-two million
23 dollars. For the fiscal year beginning July 1, 2017,
24 there is appropriated from the general fund of the
25 state to the department to be credited to the fund,
26 the sum of ninety-six million dollars. For the fiscal
27 year beginning July 1, 2018, and each fiscal year
28 thereafter, there is appropriated from the general fund
29 of the state to the department to be credited to the
30 fund, the sum of one hundred twenty million dollars.

31 2. Notwithstanding section 12C.7, subsection 2,
32 interest or earnings on moneys deposited in the fund
33 shall be credited to the fund. Moneys in the fund are
34 not subject to the provisions of section 8.33 and shall
35 not be transferred, used, obligated, appropriated,
36 or otherwise encumbered except as provided in this
37 chapter.

38 Sec. 49. NEW SECTION. 426C.3 Claims for credit.

39 1. Each person who wishes to claim the credit
40 allowed under this chapter shall obtain the appropriate
41 forms from the assessor and file the claim with the
42 assessor. The director of revenue shall prescribe
43 suitable forms and instructions for such claims, and
44 make such forms and instructions available to the
45 assessors.

46 2. a. Claims for the business property tax credit
47 shall be filed not later than March 15 preceding the
48 fiscal year during which the taxes for which the credit
49 is claimed are due and payable.

50 b. A claim filed after the deadline for filing

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1 claims shall be considered as a claim for the following
2 year.

3 3. Upon the filing of a claim and allowance of the
4 credit, the credit shall be allowed on the parcel or
5 property unit for successive years without further
6 filing as long as the parcel or property unit satisfies
7 the requirements for the credit. If the parcel or
8 property unit owner ceases to qualify for the credit
9 under this chapter, the owner shall provide written
10 notice to the assessor by the date for filing claims
11 specified in subsection 2 following the date on which
12 the parcel or property unit ceases to qualify for the
13 credit.

14 4. When all or a portion of a parcel or property
15 unit that is allowed a credit under this chapter is
16 sold, transferred, or ownership otherwise changes, the
17 buyer, transferee, or new owner who wishes to receive
18 the credit shall refile the claim for credit. In
19 addition, when a portion of a parcel or property unit
20 that is allowed a credit under this chapter is sold,
21 transferred, or ownership otherwise changes, the owner
22 of the portion of the parcel or property unit for which
23 ownership did not change shall refile the claim for
24 credit.

25 5. The assessor shall remit the claims for
26 credit to the county auditor with the assessor's
27 recommendation for allowance or disallowance. If
28 the assessor recommends disallowance of a claim,
29 the assessor shall submit the reasons for the
30 recommendation, in writing, to the county auditor. The
31 county auditor shall forward the claims to the board
32 of supervisors. The board shall allow or disallow the
33 claims.

34 6. For each claim and allowance of a credit for
35 a property unit, the county auditor shall calculate
36 the average of all consolidated levy rates applicable
37 to the several parcels within the property unit. All
38 claims for credit which have been allowed by the board
39 of supervisors, the actual value of the permanent
40 improvements to such parcels and property units
41 applicable to the fiscal year for which the credit is
42 claimed that are subject to assessment and taxation
43 prior to imposition of any applicable assessment
44 limitation, the consolidated levy rates for such
45 parcels and the average consolidated levy rates for
46 such property units applicable to the fiscal year for
47 which the credit is claimed, and the taxing districts
48 in which the parcel or property unit is located, shall
49 be certified on or before June 30, in each year, by the
50 county auditor to the department.

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1 7. The assessor shall maintain a permanent file of
2 current business property tax credits. The assessor
3 shall file a notice of transfer of property for which a
4 credit has been allowed when notice is received from
5 the office of the county recorder, from the person
6 who sold or transferred the property, or from the
7 personal representative of a deceased property owner.
8 The county recorder shall give notice to the assessor
9 of each transfer of title filed in the recorder's
10 office. The notice from the county recorder shall
11 describe the property transferred, the name of the
12 person transferring title to the property, and the name
13 of the person to whom title to the property has been
14 transferred.

15 Sec. 50. NEW SECTION. 426C.4 Eligibility and
16 amount of credit.

17 1. Each parcel classified and taxed as commercial
18 property, industrial property, or railway property
19 under chapter 434, and improved with permanent
20 construction, is eligible for a credit under this
21 chapter. A person may claim and receive one credit
22 under this chapter for each eligible parcel unless
23 the parcel is part of a property unit. A person
24 may only claim and receive one credit under this
25 chapter for each property unit. A credit approved
26 for a property unit shall be allocated to the several
27 parcels within the property unit in the proportion
28 that each parcel's total amount of property taxes due
29 and payable attributable to the permanent improvements
30 bears to the total amount of property taxes due and
31 payable attributable to the permanent improvements for
32 the property unit. Only property units comprised of
33 commercial property, comprised of industrial property,
34 or comprised of railway property under chapter 434 are
35 eligible for a credit under this chapter.

36 2. Using the actual value of the permanent
37 improvements and the consolidated levy rate for each
38 parcel or the average consolidated levy rate for each
39 property unit, as certified by the county auditor
40 to the department under section 426C.3, subsection
41 6, the department shall calculate, for each fiscal
42 year, an initial amount of actual value of permanent
43 improvements for use in determining the amount of the
44 credit for each such parcel or property unit so as
45 to provide the maximum possible credit according to
46 the credit formula and limitations under subsection
47 3, and to provide a total dollar amount of credits
48 against the taxes due and payable in the fiscal year
49 equal to ninety-eight percent of the moneys in the fund
50 following the deposit of the appropriation for the

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1 fiscal year.

2 3. a. The amount of the credit for each parcel or
3 property unit for which a claim for credit under this
4 chapter has been approved shall be calculated under
5 paragraph "b" using the lesser of the initial amount of
6 actual value of the permanent improvements determined
7 by the department under subsection 2, and the actual
8 value of the permanent improvements to the parcel or
9 property unit as certified by the county auditor under
10 section 426C.3, subsection 6.

11 b. The amount of the credit for each parcel or
12 property unit for which a claim for credit under
13 this chapter has been approved shall be equal to the
14 amount of actual value determined under paragraph "a"
15 multiplied by the difference, stated as a percentage,
16 between the assessment limitation applicable to
17 the parcel or property unit under section 441.21,
18 subsection 5, and the assessment limitation applicable
19 to residential property under section 441.21,
20 subsection 4, divided by one thousand dollars, and then
21 multiplied by the consolidated levy rate or average
22 consolidated levy rate for one thousand dollars of
23 taxable value applicable to the parcel or property unit
24 for the fiscal year for which the credit is claimed as
25 certified by the county auditor under section 426C.3,
26 subsection 6.

27 Sec. 51. NEW SECTION. 426C.5 Payment to counties.

28 1. Annually the department shall certify to the
29 county auditor of each county the amounts of the
30 business property tax credits allowed in the county.
31 Each county auditor shall then enter the credits
32 against the tax levied on each eligible parcel or
33 property unit in the county, designating on the tax
34 lists the credit as being from the fund. Each taxing
35 district shall receive its share of the business
36 property tax credit allowed on each eligible parcel
37 or property unit in such taxing district, in the
38 proportion that the levy made by such taxing district
39 upon the parcel or property unit bears to the total
40 levy upon the parcel or property unit by all taxing
41 districts imposing a property tax in such taxing
42 district. However, the several taxing districts
43 shall not draw the moneys so credited until after the
44 semiannual allocations have been received by the county
45 treasurer, as provided in this section. Each county
46 treasurer shall show on each tax receipt the amount of
47 credit received from the fund.

48 2. The director of the department of administrative
49 services shall issue warrants on the fund payable to
50 the county treasurers of the several counties of the

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1 state under this chapter.

2 3. The amount due each county shall be paid in two
3 payments on November 15 and March 15 of each fiscal
4 year, drawn upon warrants payable to the respective
5 county treasurers. The two payments shall be as nearly
6 equal as possible.

7 Sec. 52. NEW SECTION. 426C.6 Appeals.

8 1. If the board of supervisors disallows a claim
9 for credit under section 426C.3, subsection 5, the
10 board of supervisors shall send written notice, by
11 mail, to the claimant at the claimant's last known
12 address. The notice shall state the reasons for
13 disallowing the claim for the credit. The board of
14 supervisors is not required to send notice that a claim
15 for credit is disallowed if the claimant voluntarily
16 withdraws the claim. Any person whose claim is denied
17 under the provisions of this chapter may appeal from
18 the action of the board of supervisors to the district
19 court of the county in which the parcel or property
20 unit is located by giving written notice of such appeal
21 to the county auditor within twenty days from the date
22 of mailing of notice of such action by the board of
23 supervisors.

24 2. If any claim for credit has been denied by the
25 board of supervisors, and such action is subsequently
26 reversed on appeal, the credit shall be allowed on the
27 applicable parcel or property unit, and the director of
28 revenue, the county auditor, and the county treasurer
29 shall provide the credit and change their books and
30 records accordingly. In the event the appealing
31 taxpayer has paid one or both of the installments of
32 the tax payable in the year or years in question,
33 remittance shall be made to such taxpayer of the amount
34 of such credit. The amount of such credit awarded on
35 appeal shall be allocated and paid from the balance
36 remaining in the fund.

37 Sec. 53. NEW SECTION. 426C.7 Audit — denial.

38 1. If on the audit of a credit provided under this
39 chapter, the director of revenue determines the amount
40 of the credit to have been incorrectly calculated or
41 that the credit is not allowable, the director shall
42 recalculate the credit and notify the taxpayer and the
43 county auditor of the recalculation or denial and the
44 reasons for it. The director shall not adjust a credit
45 after three years from October 31 of the year in which
46 the claim for the credit was filed. If the credit has
47 been paid, the director shall give notification to the
48 taxpayer, the county treasurer, and the applicable
49 assessor of the recalculation or denial of the credit
50 and the county treasurer shall proceed to collect the

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1 tax owed in the same manner as other property taxes due
2 and payable are collected, if the parcel or property
3 unit for which the credit was allowed is still owned
4 by the taxpayer. If the parcel or property unit
5 for which the credit was allowed is not owned by the
6 taxpayer, the amount may be recovered from the taxpayer
7 by assessment in the same manner that income taxes are
8 assessed under sections 422.26 and 422.30. The amount
9 of such erroneous credit, when collected, shall be
10 deposited in the fund.

11 2. The taxpayer or board of supervisors may
12 appeal any decision of the director of revenue to the
13 state board of tax review pursuant to section 421.1,
14 subsection 5. The taxpayer, the board of supervisors,
15 or the director of revenue may seek judicial review
16 of the action of the state board of tax review in
17 accordance with chapter 17A.

18 Sec. 54. NEW SECTION. 426C.8 False claim —
19 penalty.

20 A person who makes a false claim for the purpose of
21 obtaining a credit provided for in this chapter or who
22 knowingly receives the credit without being legally
23 entitled to it is guilty of a fraudulent practice. The
24 claim for a credit of such a person shall be disallowed
25 and if the credit has been paid the amount shall be
26 recovered in the manner provided in section 426C.7. In
27 such cases, the director of revenue shall send a notice
28 of disallowance of the credit.

29 Sec. 55. NEW SECTION. 426C.9 Rules.

30 The director of revenue shall prescribe forms,
31 instructions, and rules pursuant to chapter 17A, as
32 necessary, to carry out the purposes of this chapter.

33 Sec. 56. APPLICABILITY. This division of this Act
34 applies to property taxes due and payable in fiscal
35 years beginning on or after July 1, 2014.

36 DIVISION VI

37 MULTIRESIDENTIAL PROPERTY CLASSIFICATION

38 Sec. 57. Section 404.2, subsection 2, paragraph f,
39 Code 2011, is amended to read as follows:

40 f. A statement specifying whether the
41 revitalization is applicable to none, some, or all of
42 the property assessed as residential, multiresidential,
43 agricultural, commercial, or industrial property
44 within the designated area or a combination thereof and
45 whether the revitalization is for rehabilitation and
46 additions to existing buildings or new construction or
47 both. If revitalization is made applicable only to
48 some of the property within an assessment classification, the
49 definition of that subset of eligible property must
50 be by uniform criteria which further some planning

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1 objective identified in the plan. The city shall state
2 how long it is estimated that the area shall remain
3 a designated revitalization area which time shall
4 be longer than one year from the date of designation
5 and shall state any plan by the city to issue revenue
6 bonds for revitalization projects within the area. For
7 a county, a revitalization area shall include only
8 property which will be used as industrial property,
9 commercial property, ~~commercial property consisting of~~
10 ~~three or more separate living quarters with at least~~
11 ~~seventy five percent of the space used for residential~~
12 ~~purposes, multiresidential property, or residential~~
13 property. However, a county shall not provide a tax
14 exemption under this chapter to commercial property,
15 ~~commercial property consisting of three or more~~
16 ~~separate living quarters with at least seventy five~~
17 ~~percent of the space used for residential purposes,~~
18 multiresidential property, or residential property
19 which is located within the limits of a city.

20 Sec. 58. Section 404.3, subsection 4, Code 2011, is
21 amended to read as follows:

22 4. All qualified real estate assessed as
23 residential property ~~or assessed as commercial~~
24 ~~property, if the commercial property consists of~~
25 ~~three or more separate living quarters with at least~~
26 ~~seventy five percent of the space used for residential~~
27 ~~purposes, or assessed as multiresidential property is~~
28 eligible to receive a one hundred percent exemption
29 from taxation on the actual value added by the
30 improvements. The exemption is for a period of ten
31 years.

32 Sec. 59. Section 441.21, subsection 8, paragraph b,
33 Code Supplement 2011, is amended to read as follows:

34 b. Notwithstanding paragraph "a", any construction
35 or installation of a solar energy system on property
36 classified as agricultural, residential, commercial,
37 multiresidential, or industrial property shall not
38 increase the actual, assessed, and taxable values of
39 the property for five full assessment years.

40 Sec. 60. Section 441.21, subsections 9 and 10, Code
41 Supplement 2011, are amended to read as follows:

42 9. Not later than November 1, 1979, and November
43 1 of each subsequent year, the director shall
44 certify to the county auditor of each county the
45 percentages of actual value at which residential
46 property, agricultural property, commercial property,
47 industrial property, multiresidential property, and
48 property valued by the department of revenue pursuant
49 to chapters 428, 433, 434, 437, and 438 in each
50 assessing jurisdiction in the county shall be assessed

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1 for taxation. The county auditor shall proceed
2 to determine the assessed values of agricultural
3 property, residential property, commercial property,
4 industrial property, multiresidential property, and
5 property valued by the department of revenue pursuant
6 to chapters 428, 433, 434, 437, and 438 by applying
7 such percentages to the current actual value of such
8 property, as reported to the county auditor by the
9 assessor, and the assessed values so determined shall
10 be the taxable values of such properties upon which the
11 levy shall be made.

12 10. The percentage of actual value computed by
13 the director for agricultural property, residential
14 property, commercial property, industrial property,
15 multiresidential property, and property valued by the
16 department of revenue pursuant to chapters 428, 433,
17 434, 437, and 438 and used to determine assessed values
18 of those classes of property does not constitute a rule
19 as defined in section 17A.2, subsection 11.

20 Sec. 61. Section 441.21, Code Supplement 2011, is
21 amended by adding the following new subsection:

22 NEW SUBSECTION. 13. a. Beginning with valuations
23 established on or after January 1, 2013, mobile home
24 parks, manufactured home communities, land-leased
25 communities, assisted living facilities, and that
26 portion of a building that is used for human habitation
27 and a proportionate share of the land upon which
28 the building is situated, even if the use for human
29 habitation is not the primary use of the building, and
30 regardless of the number of dwelling units located
31 in the building, and not otherwise classified as
32 residential property, shall be valued as a separate
33 class of property known as multiresidential property
34 and, excluding properties referred to in section
35 427A.1, subsection 8, shall be assessed at a percentage
36 of its actual value, as determined in this subsection.
37 For valuations established for the assessment year
38 beginning January 1, 2013, the percentage of actual
39 value as equalized by the director of revenue as
40 provided in section 441.49 at which multiresidential
41 property shall be assessed shall be ninety percent.
42 For valuations established for the assessment year
43 beginning January 1, 2014, the percentage of actual
44 value as equalized by the director of revenue as
45 provided in section 441.49 at which multiresidential
46 property shall be assessed shall be eighty percent.
47 For valuations established for the assessment year
48 beginning January 1, 2015, the percentage of actual
49 value as equalized by the director of revenue as
50 provided in section 441.49 at which multiresidential

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1 property shall be assessed shall be seventy percent.
2 For valuations established for the assessment year
3 beginning January 1, 2016, the percentage of actual
4 value as equalized by the director of revenue as
5 provided in section 441.49 at which multiresidential
6 property shall be assessed shall be sixty percent.
7 For valuations established for the assessment year
8 beginning January 1, 2017, and each assessment year
9 thereafter, the percentage of actual value as equalized
10 by the director of revenue as provided in section
11 441.49 at which multiresidential property shall be
12 assessed shall be equal to the percentage of actual
13 value at which property assessed as residential
14 property is assessed under subsection 4 for the same
15 assessment year.

16 b. Accordingly, the assessor may assign more than
17 one classification to a parcel of property that, in
18 part, satisfies the requirements of this subsection.
19 In no case, however, shall a hotel, motel, inn, or
20 other building where rooms or dwelling units are
21 usually rented for less than one month be classified as
22 multiresidential property under this subsection.

23 c. As used in this subsection:

24 (1) "Assisted living facility" means property for
25 providing assisted living as defined in section 231C.2.

26 (2) "Dwelling unit" means an apartment, group of
27 rooms, or single room which is occupied as separate
28 living quarters or, if vacant, is intended for
29 occupancy as separate living quarters, in which a
30 tenant can live and sleep separately from any other
31 persons in the building.

32 (3) "Land-leased community" means the same as
33 defined in sections 335.30A and 414.28A.

34 (4) "Manufactured home community" means the same as
35 a land-leased community.

36 (5) "Mobile home park" means the same as defined in
37 section 435.1.

38 Sec. 62. Section 558.46, subsection 5, Code 2011,
39 is amended to read as follows:

40 5. For the purposes of this section, "residential
41 property" includes ~~commercial~~ multiresidential property
42 as defined in section 441.21, subsection 13, consisting
43 of three or more separate living quarters with at least
44 seventy-five percent of the space used for residential
45 purposes.

46 Sec. 63. APPLICABILITY. This division of this
47 Act applies to assessment years beginning on or after
48 January 1, 2013.>

49 2. Title page, by striking lines 1 through 10
50 and inserting <An Act relating to taxation and local

Page 38

1 government budgets by providing for an increase in the
 2 amount of the earned income tax credit, establishing
 3 and modifying property assessment limitations,
 4 providing for certain property tax replacement
 5 payments, modifying the assessment and taxation of
 6 telecommunications company property, establishing
 7 budget limitations for counties and cities, modifying
 8 certain reporting requirements, establishing a property
 9 tax credit for certain commercial, industrial, and
 10 railway property, establishing a multiresidential
 11 property classification, providing penalties,
 12 making appropriations, and including effective date,
 13 retroactive applicability, and other applicability
 14 provisions.>

RANDY FEENSTRA
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 KENT SORENSON
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 JACK WHITVER
 ROBY SMITH
 MERLIN BARTZ
 SANDRA GREINER
 PAT WARD
 BRAD ZAUN

S-5259

1 Amend Senate File 2334 as follows:
 2 1. Page 1, after line 14 by inserting:
 3 <Sec. ____ Section 423.3, subsection 78, paragraph
 4 c, Code Supplement 2011, is amended to read as follows:
 5 c. This Except as otherwise provided in section
 6 423.3, subsection 96, this exemption does not apply to
 7 the sales price from games of skill, games of chance,
 8 raffles, and bingo games as defined in chapter 99B.
 9 This exemption is disallowed on the amount of the sales
 10 price only to the extent the profits from the sales,
 11 rental, or services are not used by or donated to
 12 the appropriate entity and expended for educational,

- 13 religious, or charitable purposes.
- 14 Sec. ____ Section 423.3, Code Supplement 2011, is
 15 amended by adding the following new subsection:
 16 NEW SUBSECTION. 96. The sales price from raffles,
 17 as raffle is defined in section 99B.1, if the raffle
 18 provides for educational scholarships and is conducted
 19 by a qualified organization representing veterans as
 20 defined in section 99B.7B.>
- 21 2. Page 1, after line 27 by inserting:
 22 <Sec. ____ RETROACTIVE APPLICABILITY. The
 23 following provision or provisions of this Act apply
 24 retroactively to January 1, 2012, to all such raffles
 25 occurring on or after that date:
- 26 1. The sections of this Act amending section
 27 423.3.>
- 28 3. Title page, line 1, after <Act> by inserting
 29 <relating to veterans by>
- 30 4. Title page, line 2, after <services> by
 31 inserting <and by providing certain sales tax
 32 exemptions to qualified organizations representing
 33 veterans>
- 34 5. Title page, line 3, after <date> by inserting
 35 <and retroactive applicability>
- 36 6. By renumbering as necessary.

TIM L. KAPUCIAN
 JEFF DANIELSON

S-5260

- 1 Amend House File 2466, as passed by the House, as
 2 follows:
- 3 1. Page 1, after line 14 by inserting:
 4 <Sec. ____ Section 423.3, subsection 78, paragraph
 5 c, Code Supplement 2011, is amended to read as follows:
 6 c. This Except as otherwise provided in section
 7 423.3, subsection 96, this exemption does not apply to
 8 the sales price from games of skill, games of chance,
 9 raffles, and bingo games as defined in chapter 99B.
 10 This exemption is disallowed on the amount of the sales
 11 price only to the extent the profits from the sales,
 12 rental, or services are not used by or donated to
 13 the appropriate entity and expended for educational,
 14 religious, or charitable purposes.
- 15 Sec. ____ Section 423.3, Code Supplement 2011, is
 16 amended by adding the following new subsection:
 17 NEW SUBSECTION. 96. The sales price from raffles,
 18 as raffle is defined in section 99B.1, if the raffle
 19 provides for educational scholarships and is conducted
 20 by a qualified organization representing veterans as
 21 defined in section 99B.7B.>
- 22 2. Page 1, after line 27 by inserting:

23 <Sec. ____ RETROACTIVE APPLICABILITY. The
24 following provision or provisions of this Act apply
25 retroactively to January 1, 2012, to all such raffles
26 occurring on or after that date:

27 1. The sections of this Act amending section
28 423.3.>

29 3. Title page, line 1, after <Act> by inserting
30 <relating to veterans by>

31 4. Title page, line 2, after <services> by
32 inserting <and by providing certain sales tax
33 exemptions to qualified organizations representing
34 veterans>

35 5. Title page, line 3, after <date> by inserting
36 <and retroactive applicability>

37 6. By renumbering as necessary.

JEFF DANIELSON

TIM L. KAPUCIAN

REPORTS OF CONFERENCE COMMITTEES

Senate Files

SENATE FILE 466

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 466, a bill for an Act relating to residential contractors and providing a penalty, respectfully make the following report:

1. That the Senate recedes from its amendment, H-8453.

2. That the House amendment, S-3329, to Senate File 466, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 2, by striking lines 3 through 15 and inserting:

<NOTICE OF CONTRACT OBLIGATIONS AND RIGHTS

You may be responsible for payment to (insert name of residential contractor) for the cost of all goods and services provided whether or not you receive payment from any property and casualty insurance policy with respect to the damage. Pursuant to Iowa law your contract with (insert name of residential contractor) to provide goods and services to repair damage resulting from a naturally occurring catastrophe including but not limited to a fire, earthquake, tornado, windstorm, flood, or hail storm is void>

2. Page 2, by striking lines 36 through 41 and inserting:

<6. a. A residential contractor violating this section is subject to the penalties and remedies prescribed by this chapter.

b. A violation of subsection 2 or 3 by a residential contractor is an unlawful practice pursuant to section 714.16.>

On the part of the Senate:

MATT McCOY, Chair
BILL ANDERSON
RICK BERTRAND
THOMAS G. COURTNEY
PAM JOCHUM

On the part of the House:

STEWART IVERSON, Chair
JEFF KAUFMANN
DAN MUHLBAUER
JO OLDSON

SENATE FILE 2284

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2284, a bill for an Act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, and

including effective date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5216.

2. That Senate File 2284, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

COMPETENCY-BASED INSTRUCTION

Section 1. Section 256.7, subsection 26, paragraph a, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) The rules shall allow a school district or accredited nonpublic school to award high school credit to an enrolled student upon the demonstration of required competencies for a course or content area, as approved by a teacher licensed under chapter 272. The school district or accredited nonpublic school shall determine the assessment methods by which a student demonstrates sufficient evidence of the required competencies.

Sec. 2. COMPETENCY-BASED INSTRUCTION TASK FORCE.

1. The department of education shall appoint a task force to conduct a study regarding competency-based instruction standards and options and the integration of competency-based instruction with the Iowa core curriculum, and to develop related assessment models and professional development focused on competency-based instruction.

2. At a minimum, the task force shall do all of the following:

- a. Redefine the Carnegie unit into competencies.
- b. Construct personal learning plans and templates.
- c. Develop student-centered accountability and assessment models.
- d. Empower learning through technology.
- e. Develop supports and professional development for educators to transition to a competency-based system.

3. The task force shall be comprised of at least twelve members, nine of whom shall represent education stakeholders and practitioners knowledgeable about the Iowa core curriculum; one of whom shall be the deputy director and administrator of the division of learning and results of the department of education or the deputy director's designee; one of whom shall represent the area education agencies; and one of whom shall represent the Iowa state education association.

4. The person representing the area education agency shall convene the initial meeting. The task force shall elect one of its members as chairperson. After the initial meeting, the task force shall meet at the time and place specified by call of the chairperson. The department of education shall provide staffing services for the task force.

5. a. The task force shall submit a preliminary report that includes but is not limited to its findings and recommendations relating to subsection 2, paragraphs "b", "d", and "e", by January 15, 2013.

b. The task force shall submit its plan, findings, models, and recommendations in a final report to the state board of education, the governor, and the general assembly by November 15, 2013.

Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

ASSESSMENT OF STUDENT PROGRESS ON CORE ACADEMIC INDICATORS

Sec. 4. Section 256.7, subsection 21, paragraph b, Code Supplement 2011, is amended to read as follows:

b. A set of core academic indicators in mathematics and reading in grades four,

eight, and eleven, a set of core academic indicators in science in grades eight and eleven, and another set of core indicators that includes, but is not limited to, graduation rate, postsecondary education, and successful employment in Iowa. Annually, the department shall report state data for each indicator in the condition of education report. Rules adopted pursuant to this subsection shall specify that the approved district-wide assessment of student progress administered for purposes of this paragraph shall be the assessment utilized by school districts statewide in the school year beginning July 1, 2011. The state board may submit to the general assembly recommendations the state board deems appropriate for modifications of assessments of student progress administered for purposes of this paragraph.

DIVISION III

TEACHER AND ADMINISTRATOR MATTERS

Sec. 5. Section 284.6, subsection 8, Code Supplement 2011, is amended to read as follows:

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to section 284.8, subsection 1. The goal for the use of the funds is to provide one additional contract day or the equivalent thereof for professional development, and use of the funds is limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

Sec. 6. Section 284.8, subsection 1, Code 2011, is amended to read as follows:

1. A school district shall provide for an annual review of each teacher's performance ~~at least once every three years~~ for purposes of assisting teachers in making continuous improvement, documenting continued competence in the Iowa teaching standards, identifying teachers in need of improvement, or to determine whether the teacher's practice meets school district expectations for career advancement in accordance with section 284.7. The review shall include, at minimum, classroom observation of the teacher, the teacher's progress, and implementation of the teacher's individual professional development plan, subject to the level of resources provided to implement the plan; and shall include supporting documentation from parents, students, and other teachers. The first and second year of review shall be conducted by a peer group of teachers. The peer group shall review all of the peer group members. Peer group reviews shall be formative and shall be conducted on an informal, collaborative basis that is focused on assisting each peer group member in achieving the goals of the teacher's individual professional development plan. Peer group reviews shall not be the basis for recommending that a teacher participate in an intensive assistance program, and shall not be used to determine the compensation, promotion, layoff, or termination of a teacher, or any other determination affecting a teacher's employment status. However, as a result of a peer group review, a teacher may elect to participate in an intensive assistance program. Members of the peer group shall be reviewed every third year by at least one evaluator certified in accordance with section 284.10.

Sec. 7. Section 284A.7, Code 2011, is amended to read as follows:

284A.7 Evaluation requirements for administrators.

A school district shall conduct an annual evaluation of an administrator who holds a professional administrator license issued under chapter 272 ~~at least once every three years~~ for purposes of assisting the administrator in making continuous improvement, documenting continued competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, or to determine whether the administrator's practice meets school district expectations. The ~~review~~ evaluation shall include, at a minimum, an assessment of the administrator's competence in meeting the Iowa standards for school administrators and the goals of the administrator's individual professional development plan, including supporting documentation or artifacts aligned to the Iowa standards for school administrators and the individual administrator's professional development plan.

Sec. 8. REPEAL. Section 284.14A, Code 2011, is repealed.

Sec. 9. STATEWIDE EDUCATOR EVALUATION SYSTEM TASK FORCE.

1. The director of the department of education shall convene a task force to conduct a study regarding a statewide teacher evaluation system and a statewide administrator evaluation system.

2. The task force shall be comprised of at least twelve members as follows:

a. Eight members shall be appointed by the director to represent education stakeholders and practitioners knowledgeable about the Iowa core curriculum and may include members currently serving on the department's teacher quality partnership teacher evaluation team.

b. One member shall be the deputy director and administrator of the division of learning and results of the department of education or the deputy director's designee.

c. One member shall represent the area education agencies.

d. One member shall represent a certified employee organization representing teachers licensed under chapter 272.

e. One member shall represent a statewide organization representing school administrators licensed under chapter 272.

3. The person representing the area education agency shall convene the initial meeting. The task force shall elect one of its members as chairperson. After the initial meeting, the task force shall meet at the time and place specified by call of the chairperson. The department of education shall provide staffing services for the task force.

4. To the extent possible, appointments shall be made to provide geographical area representation and to comply with sections 69.16, 69.16A, and 69.16C.

5. The task force shall develop a statewide teacher evaluation system and a statewide administrator evaluation system that standardize the instruments and processes used by school districts, charter schools, and accredited nonpublic schools throughout the state to evaluate teachers and administrators. The components of the statewide teacher evaluation system shall include but not be limited to the following:

a. Direct observation of classroom teaching behaviors.

b. Balanced consideration of student growth measures, when available for tested subjects and grades, to supplement direct observation of classroom teaching behaviors.

c. Integration of the Iowa teaching standards.

d. System applicability to teachers in all content areas taught in a school.

6. The task force, at a minimum, shall include in its recommendations and proposal a tiered evaluation system that differentiates ineffective, minimally effective, effective, and highly effective performance by teachers and administrators.

7. The task force shall submit its findings, recommendations, and a proposal for each system to the general assembly by October 15, 2012.

Sec. 10. IOWA TEACHING STANDARDS AND CRITERIA REVIEW TASK FORCE.

1. The department of education shall convene a task force to identify and recommend measures to improve the Iowa teaching standards and criteria and align the Iowa teaching standards with best practices and nationally accepted standards, and to identify and recommend measures to improve the educator evaluations conducted based on the Iowa teaching standards. The task force shall recommend changes to the Iowa Code as appropriate.

2. The task force shall consist of teachers, administrators, and representatives of the department of education, the board of educational examiners, an organization representing teachers, an organization representing school boards, accredited institutions of higher education, and any other appropriate educational stakeholders.

3. The task force shall submit its findings and recommendations, including recommendations for changes to the Iowa Code as appropriate, to the general assembly by November 15, 2012.

Sec. 11. TEACHER PERFORMANCE, COMPENSATION, AND CAREER DEVELOPMENT TASK FORCE.

1. The director of the department of education shall appoint, and provide staffing services for, a teacher performance, compensation, and career development task force to develop recommendations for a new teacher compensation system to replace the current teacher compensation system which addresses, at a minimum, the following:

a. The duties and responsibilities of apprentice, career, mentor, and master teachers.

b. Utilizing retired teachers as mentors.

c. Strategic and meaningful uses of finite resources and the realignment of resources currently available.

d. Mechanisms to substantially increase the average salary of teachers who assume leadership roles within the profession.

e. Standardizing implementation of task force recommendations in all of Iowa's school districts and public charter schools.

2. The task force shall also propose a peer coaching pilot project to expand excellence in the teaching profession. The proposal shall include recommendations for peer coaching criteria goals, strategies, documentation of progress, incentives for participation, and program evaluation.

3. The director of the department of education shall appoint and provide staffing services for a task force whose members shall represent teachers, parents, school administrators, and business and community leaders. Insofar as practicable, appointments shall be made to provide geographical area representation and to comply with sections 69.16, 69.16A, and 69.16C.

4. The task force shall submit its findings, recommendations, and pilot project proposal in a report to the state board of education, the governor, and the general assembly by October 15, 2012.

Sec. 12. EFFECTIVE UPON ENACTMENT. The section of this division of this Act providing for the appointment of the teacher performance, compensation, and career development task force, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
ONLINE LEARNING

Sec. 13. Section 256.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Online learning" and "online coursework" mean educational instruction and content which are delivered primarily over the internet.

“Online learning” and *“online coursework”* do not include print-based correspondence education, broadcast television or radio, videocassettes, or stand-alone educational software programs that do not have a significant internet-based instructional component.

Sec. 14. Section 256.7, subsection 7, paragraph d, Code Supplement 2011, is amended to read as follows:

d. ~~For the purpose~~ purposes of ~~the rules adopted by the state board, telecommunications~~ this chapter, “telecommunications” means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications. For purposes of this chapter, “telecommunications” does not include online learning.

Sec. 15. Section 256.7, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 33. a. Adopt rules for online learning in accordance with sections 256.24, 256.24A, and 256.27, and criteria for waivers granted pursuant to section 256.24.

b. Except as provided in paragraph “c”, adopt rules prohibiting the open enrollment of students whose educational instruction and course content are delivered primarily over the internet.

c. Adopt rules that limit the statewide enrollment of pupils in educational instruction and course content that are delivered primarily over the internet to not more than eighteen one-hundredths of one percent of the statewide enrollment of all pupils, and that limit the number of pupils participating in open enrollment for purposes of receiving educational instruction and course content that are delivered primarily over the internet to no more than one percent of a sending district’s enrollment. Until June 30, 2015, students who meet the requirements of section 282.18 may participate in open enrollment under this paragraph “c” for purposes of enrolling only in the CAM community school district or the Clayton Ridge community school district.

(1) School districts providing educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph “c” shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to student achievement and demographic characteristics, retention rates, and the percentage of enrolled students’ active participation in extracurricular activities.

(2) The department shall conduct annually a survey of not less than ten percent of the total number of students enrolled as authorized under this paragraph “c” and section 282.18, and not less than one hundred percent of the students in those districts who are enrolled as authorized under this paragraph “c” and section 282.18 and who are eligible for free or reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §§ 1751–1785, to determine whether students are enrolled under this paragraph “c” and section 282.18 to receive educational instruction and course content primarily over the internet or are students who are receiving competent private instruction from a licensed practitioner provided through a school district pursuant to chapter 299.

(3) The department shall compile and review the data collected pursuant to this paragraph “c” and shall submit its findings and recommendations for the continued delivery of instruction and course content by school districts pursuant to this paragraph “c”, in a report to the general assembly by January 15 annually.

(4) This paragraph “c” is repealed July 1, 2015.

Sec. 16. Section 256.9, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 65. Develop and establish an online learning program model in accordance with rules adopted pursuant to section 256.7, subsection 33, paragraph “a”, and in accordance with section 256.27.

Sec. 17. NEW SECTION. 256.24 Iowa learning online initiative.

1. An Iowa learning online initiative is established within the department to partner with school districts and accredited nonpublic schools to provide distance education to high school students statewide. The department shall utilize a variety of content repositories, including those maintained by the area education agencies and the public broadcasting division, in administering the initiative.

2. The initiative shall include an online learning program model designed to prepare teachers to meet the needs of students in an online learning environment, including but not limited to building community interaction and support, developing strategies for working with virtual students, and assessing virtual students.

3. Coursework offered under the initiative shall be taught by a teacher licensed under chapter 272 who has completed an online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework.

4. Each participating school district and accredited nonpublic school shall submit its online curricula to the department for review. Each participating school district and accredited nonpublic school shall include in its comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21, a list and description of the online coursework offered by the district.

5. Under the initiative, students must be enrolled in a participating school district or accredited nonpublic school, which is responsible for recording grades received for initiative coursework in a student’s permanent record, awarding high school credit for initiative coursework, and issuing high school diplomas to students enrolled in the district or school who participate and complete coursework under the initiative. Each participating school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school.

6. Coursework offered under the initiative shall be rigorous and high quality, and the department shall annually evaluate the quality of the courses, ensure that coursework is aligned with the state’s core curriculum and core content requirements and standards, as well as national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning.

7. The department may waive for one year the provisions of section 256.11, subsection 5, which require that specified subjects be offered and taught by professional staff of a school district or school, if the school district or school makes every reasonable and good faith effort to employ a teacher licensed under chapter 272 for such a subject, and the school district or school proves to the satisfaction of the department that the school district or school is unable to employ such a teacher. The specified subject shall be provided by the initiative.

Sec. 18. NEW SECTION. 256.24A Online learning requirements — legislative findings and declarations.

1. The general assembly finds and declares the following:

a. That prior legislative enactments on the use of telecommunications in elementary and secondary school classes and courses did not contemplate and were not intended to authorize participation in open enrollment under section 282.18 for purposes of attending online schools, contracts to provide exclusively or predominantly online coursework to students, or online coursework that does not use teachers licensed under chapter 272 for instruction and supervision.

b. That online learning technology has moved ahead of Iowa's statutory framework and the current administrative rules of the state board, promulgated over twenty years ago, are inadequate to regulate today's virtual opportunities.

2. Online learning curricula shall be provided and supervised by a teacher licensed under chapter 272.

Sec. 19. **NEW SECTION. 256.27 Online learning program model.**

1. *Online learning program model established.* The director, pursuant to section 256.9, subsection 65, shall establish an online learning program model that provides for the following:

a. Online access to high-quality content, instructional materials, and blended learning.

b. Coursework customized to the needs of the student using online content.

c. A means for a student to demonstrate competency in completed online coursework.

d. High-quality online instruction taught by teachers licensed under chapter 272.

e. Online content and instruction evaluated on the basis of student learning outcomes.

f. Use of funds available for online learning for program development, implementation, and innovation.

g. Infrastructure that supports online learning.

h. Online administration of online course assessments.

i. Criteria for school districts or schools to use when choosing providers of online learning to meet the online learning program requirements specified in rules adopted pursuant to section 256.7, subsection 33, paragraph "a".

2. *Private providers.* At the discretion of the school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by the school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under chapter 272.

3. *Grading.* Grades in online courses shall be based, at a minimum, on whether a student mastered the subject, demonstrated competency, and met the standards established by the school district. Grades shall be conferred only by teachers licensed under chapter 272.

4. *Accreditation criteria.* All online courses and programs shall meet existing accreditation standards.

Sec. 20. Section 256.33, subsection 3, Code 2011, is amended to read as follows:

3. Priority shall be given to programs integrating ~~telecommunications~~ educational technology into the classroom. The department may award grants to school corporations and higher education institutions to perform the functions listed in this section.

Sec. 21. **ONLINE LEARNING — INTERIM STUDY.** The legislative council is requested to establish an interim study committee relating to online learning and programming for school districts and related educational issues. The objective of the study shall be to review the appropriate use of online learning by school districts, the appropriate levels and sources of funding for online learning, partnerships between school districts and private providers of online programs, and the potential use of online learning as the exclusive means to provide coursework required under the state's educational standards. The study shall identify opportunities between interested agencies and entities involved in or potentially involved in online learning activities, including but not limited to K–12 schools, area education agencies, institutions of higher learning, the public broadcasting division of the department of

education, the department of education, and the Iowa communications network. The committee shall review the benefits of using the department of education's Iowa learning online initiative as the sole source of online learning for Iowa's school districts. The committee shall submit recommendations for the establishment of an online learning program model in accordance with section 256.27 to the director of the department of education by December 14, 2012. The committee is directed to submit its findings and recommendations in a report to the general assembly by December 14, 2012.

DIVISION V

BOARD OF EDUCATIONAL EXAMINERS PROVISIONS

Sec. 22. Section 272.5, Code 2011, is amended to read as follows:

272.5 Compensation of board, ~~and~~ executive director.

1. Members shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and may be entitled to per diem compensation as authorized under section 7E.6. For duties performed during an ordinary school day by a member who is employed by a school corporation or state university, the member shall also receive regular compensation from the school or university. However, the member shall reimburse the school or university in the amount of the per diem compensation received.

2. The governor shall appoint an executive director of the board of educational examiners subject to confirmation by the senate. The director shall possess a background in education licensure and administrative experience and shall serve at the pleasure of the governor. The board of educational examiners shall set the salary of the executive director within the range established for the position by the general assembly.

Sec. 23. Section 272.25, subsection 1, Code 2011, is amended to read as follows:

1. A requirement that each student admitted to an approved practitioner preparation program must participate in field experiences that include both observation and participation in teaching activities in a variety of school settings. These field experiences shall comprise a total of at least fifty hours in duration, at least ten hours of which shall occur prior to a student's acceptance in an approved practitioner preparation program. The student teaching experience shall be a minimum of ~~twelve~~ fourteen weeks in duration during the student's final year of the practitioner preparation program. The program must make every reasonable effort to offer the student teaching experience prior to a student's last semester, or equivalent, in the program, and to expand the student's student teaching opportunities beyond one semester or the equivalent.

DIVISION VI

SCHOOL ADMINISTRATION MANAGER

Sec. 24. Section 256.7, subsection 30, Code Supplement 2011, is amended to read as follows:

30. Set standards and procedures for the approval of training programs for individuals who seek an authorization issued by the board of educational examiners for ~~employment~~ the following:

a. Employment as a school business official responsible for the financial operations of a school district.

b. Employment as a school administration manager responsible for assisting a school principal in performing noninstructional duties.

Sec. 25. Section 272.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. "School administration manager" means a person who is authorized to assist a school principal in performing noninstructional administrative

duties.

Sec. 26. Section 272.31, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The board shall issue a school administration manager authorization to an individual who successfully completes a training program that meets the standards set by the state board pursuant to section 256.7, subsection 30, and who complies with rules adopted by the state board pursuant to subsection 3.

DIVISION VII

STATE BOARD OF REGENTS PROVISIONS

Sec. 27. Section 262.9, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 36. Implement continuous improvement in every undergraduate program offered by an institution of higher education governed by the board.

a. A continuous improvement plan shall be developed and implemented built upon the results of the institution's student outcomes assessment program using the following phase-in timeline:

(1) For each course with typical annual enrollment of three hundred or more, whether in one or multiple sections, a continuous improvement plan shall be developed and implemented beginning in the fall semester of 2013.

(2) For each course with typical annual enrollment of two hundred or more but less than three hundred, whether in one or multiple sections, a continuous improvement plan shall be developed and implemented beginning in the fall semester of 2014.

(3) For each course with a typical annual enrollment of one hundred or more but less than two hundred, whether in one or multiple sections, a continuous improvement plan shall be developed and implemented beginning in the fall semester of 2015.

b. For each undergraduate course the institution shall collect and use the results of formative and summative assessments in its continuous improvement plan. The board shall annually evaluate the effectiveness of the plans and shall submit an executive summary of its findings and recommendations in its annual strategic plan progress report, a copy of which shall be submitted to the general assembly.

Sec. 28. NEW SECTION. **262.94 College readiness and awareness programs.**

The state board of regents may establish or contract to establish programs designed to increase college readiness and college awareness in potential first-generation college students and underrepresented populations. The programs may include but shall not be limited to college go center programs and science bound programs.

DIVISION VIII

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS AWARDS

Sec. 29. Section 256.44, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. If a teacher registers for national board for professional teaching standards certification ~~by~~ after December 31, 2007, a one-time initial reimbursement award in the amount of up to one-half of the registration fee paid by the teacher for registration for certification by the national board for professional teaching standards. The teacher shall apply to the department ~~within one year of registration in a manner and according to procedures required by the department,~~ submitting to the department any documentation the department requires. A teacher who receives an initial reimbursement award shall receive a one-time final registration award in the amount of the remaining national board registration fee paid by the teacher if the teacher notifies the department of the teacher's certification achievement and submits any documentation requested by the department.

Sec. 30. Section 256.44, subsection 1, paragraph b, subparagraph (1), subparagraph division (b), Code 2011, is amended to read as follows:

(b) If the teacher registers for national board for professional teaching standards certification ~~between January 1, 1999, and December 31, 2007,~~ and achieves certification within the timelines and policies established by the national board for professional teaching standards, an annual award in the amount of two thousand five hundred dollars upon achieving certification by the national board of professional teaching standards.

DIVISION IX EARLY CHILDHOOD LITERACY

Sec. 31. Section 256.7, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 32. *a.* By July 1, 2013, adopt by rule guidelines for school district implementation of section 279.69, including but not limited to basic levels of reading proficiency on approved locally determined or statewide assessments and identification of tools that school districts may use in evaluating and reevaluating any student who may be or who is determined to be deficient in reading, including but not limited to initial assessments and subsequent assessments, alternative assessments, and portfolio reviews. The state board shall adopt standards that provide a reasonable expectation that a student's progress toward reading proficiency under section 279.69 is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four.

b. Adopt rules for the Iowa reading research center and for implementation of the intensive summer literacy program developed and administered pursuant to section 256.9, subsection 53.

Sec. 32. Section 256.9, subsection 53, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Establish, subject to an appropriation of funds by the general assembly, an Iowa reading research center.

(1) The purpose of the center shall be to apply current research on literacy to provide for the development and dissemination of all of the following:

(a) Instructional strategies for prekindergarten through grade twelve to achieve literacy proficiency that includes reading, reading comprehension, and writing for all students.

(b) Strategies for identifying and providing evidence-based interventions for students, beginning in kindergarten, who are at risk of not achieving literacy proficiency.

(c) Models for effective school and community partnerships to improve student literacy.

(d) Reading assessments.

(e) Professional development strategies and materials to support teacher effectiveness in student literacy development.

(f) Data reports on attendance center, school district, and statewide progress toward literacy proficiency in the context of student, attendance center, and school district demographic characteristics.

(g) An intensive summer literacy program. The center shall establish program criteria and guidelines for implementation of the program by school districts, under rules adopted by the state board pursuant to section 256.7, subsection 32.

(2) The first efforts of the center shall focus on kindergarten through grade three. The center shall draw upon national and state expertise in the field of literacy proficiency, including experts from Iowa's institutions of higher education and area education agencies with backgrounds in literacy development. The center shall seek

support from the Iowa research community in data report development and analysis of available information from Iowa education data sources. The center shall work with the department to identify additional needs for tools and technical assistance for Iowa schools to help schools achieve literacy proficiency goals and seek public and private partnerships in developing and accessing necessary tools and technical assistance.

(3) The center shall submit a report of its activities to the general assembly by January 15 annually.

Sec. 33. Section 279.60, Code 2011, is amended to read as follows:

279.60 ~~Kindergarten assessment~~ Assessments — access to data — reports.

1. Each school district shall administer a kindergarten readiness assessment prescribed by the department of education to every resident prekindergarten or four-year-old child whose parent or guardian enrolls the child in the district. The assessment shall be aligned with state early learning standards and preschool programs shall be encouraged to administer the assessment at least at the beginning and end of the preschool program, with the assessment information entered into the statewide longitudinal data system. The department shall work to develop agreements with head start programs to incorporate similar information about four-year-old children served by head start into the statewide longitudinal data system.

2. a. Each school district shall administer the dynamic indicators of basic early literacy skills kindergarten benchmark assessment or other kindergarten benchmark assessment adopted by the department of education in consultation with the early childhood Iowa state board to every kindergarten student enrolled in the district not later than the date specified in section 257.6, subsection 1. The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district, including but not limited to whether the student attended preschool, factors identified by the early childhood Iowa office pursuant to section 256I.5, and other demographic factors. Each school district shall report the results of the assessment and the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year. The early childhood Iowa office in the department of management shall have access to the raw data. The department shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the early childhood Iowa state board, and the early childhood Iowa area boards.

b. This subsection is repealed July 1, 2013.

3. Each school district shall administer the Iowa assessments, created by the state university of Iowa, to all students enrolled in grade ten.

Sec. 34. NEW SECTION. 279.69 Student progression — remedial instruction — reporting requirements — promotion.

1. Reading deficiency and parental notification.

a. A school district shall assess all students enrolled in kindergarten through grade three at the beginning of each school year for their level of reading or reading readiness on locally determined or statewide assessments, as provided in section 256.7, subsection 32. A school district shall provide intensive reading instruction to any student who exhibits a substantial deficiency in reading, based upon the assessment or through teacher observations. The student's reading proficiency shall be reassessed by locally determined or statewide assessments. The student shall continue to be provided with intensive reading instruction until the reading deficiency is remedied.

b. The parent or guardian of any student in kindergarten through grade three who exhibits a substantial deficiency in reading, as described in paragraph "a", shall be notified at least annually in writing of the following:

(1) That the child has been identified as having a substantial deficiency in reading.

(2) A description of the services currently provided to the child.

(3) A description of the proposed supplemental instructional services and supports that the school district will provide to the child that are designed to remediate the identified area of reading deficiency.

(4) Strategies for parents and guardians to use in helping the child succeed in reading proficiency, including but not limited to the promotion of parent-guided home reading.

c. Beginning May 1, 2017, unless the school district is granted a waiver pursuant to subsection 2, paragraph “e”, if the student’s reading deficiency is not remedied by the end of grade three, as demonstrated by scoring on a locally determined or statewide assessment as provided in section 256.7, subsection 32, the school district shall notify the student’s parent or guardian that the parent or guardian may enroll the student in an intensive summer reading program offered in accordance with subsection 2, paragraph “e”. If the parent or guardian does not enroll the student in the intensive summer reading program and the student is ineligible for the good cause exemption under subsection 5, the student shall be retained in grade three pursuant to subsection 3. If the student is exempt from participating in an intensive summer reading program for good cause, pursuant to subsection 5, or completes the intensive summer reading program but is not reading proficient upon completion of the program, the student may be promoted to grade four, but the school district shall continue to provide the student with intensive reading instruction until the student is proficient in reading as demonstrated by scoring on locally determined or statewide assessments.

2. *Successful progression for early readers.*

If funds are appropriated by the general assembly for purposes of implementing this subsection, a school district shall do all of the following:

a. Provide students who are identified as having a substantial deficiency in reading under subsection 1, paragraph “a”, with intensive instructional services and supports, free of charge, to remediate the identified areas of reading deficiency, including a minimum of ninety minutes daily of scientific, research-based reading instruction and other strategies prescribed by the school district which may include but are not limited to the following:

- (1) Small group instruction.
- (2) Reduced teacher-student ratios.
- (3) More frequent progress monitoring.
- (4) Tutoring or mentoring.
- (5) Extended school day, week, or year.
- (6) Summer reading programs.

b. At regular intervals, apprise the parent or guardian of academic and other progress being made by the student and give the parent or guardian other useful information.

c. In addition to required reading enhancement and acceleration strategies, provide parents of students who are identified as having a substantial deficiency in reading under subsection 1, paragraph “a”, with a plan outlined in a parental contract, including participation in regular parent-guided home reading.

d. Establish a reading enhancement and acceleration development initiative designed to offer intensive accelerated reading instruction to each kindergarten through grade three student who is assessed as exhibiting a substantial deficiency in reading. The initiative shall comply with all of the following criteria:

(1) Be provided to all kindergarten through grade three students who exhibit a substantial deficiency in reading under this section. The assessment initiative shall

measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(2) Be provided during regular school hours in addition to the regular reading instruction.

(3) Provide a reading curriculum that meets guidelines adopted pursuant to section 256.7, subsection 32, and at a minimum has the following specifications:

(a) Assists students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level.

(b) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(c) Includes a scientifically based and reliable assessment.

(d) Provides initial and ongoing analysis of each student's reading progress.

(e) Is implemented during regular school hours.

(f) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

e. Offer each summer, beginning in the summer of 2017, unless the school district receives a waiver from this requirement from the department of education for the summer of 2017, an intensive summer literacy program for students assessed as exhibiting a substantial deficiency in reading. The program shall meet the criteria and follow the guidelines established pursuant to section 256.9, subsection 53, paragraph "c", subparagraph (1), subparagraph division (g).

f. Report to the department of education the specific intensive reading interventions and supports implemented by the school district pursuant to this section. The department shall annually prescribe the components of required or requested reports.

3. *Promotion to grade four.* In determining whether to promote a student in grade three to grade four, a school district shall place significant weight on any reading deficiency identified pursuant to subsection 1, paragraph "a", that is not yet remediated. The school district shall also weigh the student's progress in other subject areas, as well as the student's overall intellectual, physical, emotional, and social development. A decision to retain a student in grade three shall be made only after direct personal consultation with the student's parent or guardian and after the formulation of a specific plan of action to remedy the student's reading deficiency.

4. *Ensuring continuous improvement in reading proficiency.*

a. To ensure all children are reading proficiently by the end of third grade, each school district shall address reading proficiency as part of its comprehensive school improvement plan, drawing upon information about children from assessments conducted pursuant to subsection 1 and the prevalence of deficiencies identified by classroom, elementary school, and other student characteristics. As part of its comprehensive school improvement plan, each school district shall review chronic early elementary absenteeism for its impact on literacy development. If more than fifteen percent of an attendance center's students are not proficient in reading by the end of third grade, the comprehensive school improvement plan shall include strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are proficient in reading.

b. Each school district, subject to an appropriation of funds by the general assembly, shall provide professional development services to enhance the skills of elementary teachers in responding to children's unique reading issues and needs and to increase the use of evidence-based strategies.

5. *Good cause exemption.*

a. The school district shall exempt students from the retention and intensive summer reading program requirements of subsection 1, paragraph "c", for good cause.

Good cause exemptions shall be limited to the following:

(1) Limited English proficient students who have had less than two years of instruction in an English as a second language program.

(2) Students requiring special education whose individualized education program indicates that participation in a locally determined or statewide assessment as provided in section 256.7, subsection 32, is not appropriate, consistent with the requirements of rules adopted by the state board of education for the administration of chapter 256B.

(3) Students who demonstrate an acceptable level of performance on an alternative performance measure approved pursuant to section 256.7, subsection 32.

(4) Students who demonstrate mastery through a student portfolio under alternative performance measures approved pursuant to section 256.7, subsection 32.

(5) Students who have received intensive remediation in reading for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade one, grade two, or grade three. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist attendance centers and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

b. Requests for good cause exemptions from the retention requirement of subsection 1, paragraph "c", for students described in paragraph "a", subparagraphs (3) and (4), shall include documentation from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. Such documentation shall include but not be limited to the individualized education program, if applicable, report card, or student portfolio.

Sec. 35. CROSS-AGENCY ASSESSMENT INSTRUMENT PLANNING GROUP. The department of education and the early childhood Iowa state board shall collaborate to form a cross-agency planning group. Members of the planning group shall include teachers and school leaders, and representatives from the departments of public health, human services, and education, the Iowa early childhood state and area boards, the state board of regents, applicable nonprofit groups, and experts in early childhood assessment and educational assessment. The planning group shall study and select one standard, multidomain assessment instrument for implementation by all school districts for purposes of section 279.60, subsection 1. The instrument shall align with agreed upon state and national curriculum standards. The planning group shall study all costs associated with implementing a universal assessment instrument. The assessment instrument shall be administered at least at the beginning and at the end of the school year to measure student skills and academic growth. The planning group shall submit its findings and recommendations in a report to the general assembly by November 15, 2012.

DIVISION X

SCHOOL INSTRUCTIONAL TIME TASK FORCE

Sec. 36. SCHOOL INSTRUCTIONAL TIME TASK FORCE.

1. The director of the department of education shall appoint a school instructional time task force comprised of at least seven members to conduct a study regarding the minimum requirements of the school day and the school year. The study shall include but not be limited to an examination of the following:

a. Whether the minimum length of an instructional day should be extended and, if so, whether the instructional day should be extended for all students or for specific groups of students.

b. Whether the minimum number of instructional days or hours in a school year

should be increased and, if so, whether the minimum number of days or hours in a school year should be increased for all students or for specific groups of students.

c. Whether the minimum number of instructional days or hours should be rearranged to result in a shorter summer break, with other days or weeks off throughout the school year.

d. Whether the minimum school year should be defined by a number of days or by a number of instructional hours.

e. Whether there should be a uniform, statewide start date for the school year that can only be waived for the purpose of implementing an innovative educational program.

f. Whether resources necessary to extend the minimum length of an instructional day or the minimum length of a school year are justified when compared to competing education priorities.

2. Based upon the examination conducted pursuant to subsection 1, the task force shall design, propose, and establish goals for a pilot project on extending the school day or year to expand instructional time for prekindergarten through grade twelve.

3. The appointment of members to the task force shall be made in a manner which provides geographical area representation and complies with sections 69.16, 69.16A, and 69.16C.

4. The task force shall submit its findings, recommendations, and pilot project proposal in a report to the state board of education, the governor, and the general assembly by October 15, 2012.

DIVISION XI

CLASS SHARING AGREEMENTS

Sec. 37. Section 257.11, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A school district that collaborates with a community college to provide a college-level class that uses an activities-based, project-based, and problem-based learning approach and that is offered through a partnership with a nationally recognized provider of rigorous and innovative science, technology, engineering, and mathematics curriculum for schools, which provider is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, is eligible to receive additional weighting under a supplementary weighting plan adopted pursuant to this subsection.

Sec. 38. Section 261E.8, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A student enrolled in a career and technical course made available pursuant to subsection 1 is exempt from the proficiency requirements of section 261E.3, subsection 1, paragraph "e". However, a community college may require a student who applies for enrollment under a district-to-community college sharing or concurrent enrollment program to complete an initial assessment administered by the community college receiving the application to determine the applicant's readiness to enroll in career and technical coursework, and the community college may deny the enrollment.

DIVISION XII

PRACTITIONER PREPARATION PROGRAM ASSESSMENTS

Sec. 39. Section 256.16, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. (1) Administer a basic skills test a preprofessional skills test offered by a nationally recognized testing service to practitioner preparation program admission candidates. Rules adopted shall require institutions to deny admission to the program to any candidate who does not successfully pass the test.

(2) Administer, prior to a student’s completion of the practitioner preparation program and subject to the director’s approval, subject assessments designed by a nationally recognized testing service that measure pedagogy and knowledge of at least one subject area; or, a valid and reliable subject-area-specific, performance-based assessment for preservice teacher candidates, centered on student learning. A student shall not successfully complete the program unless the student achieves scores above the twenty-fifth percentile nationally on the assessments administered pursuant to this subparagraph.

DIVISION XIII
KINDERGARTEN REQUIREMENT

Sec. 40. Section 299.1A, Code 2011, is amended to read as follows:

299.1A Compulsory attendance age.

1. A Except as provided in subsection 2, a child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar.

2. A child who has reached the age of five by September 15 and who is enrolled in a school district shall be considered to be of compulsory attendance age unless the parent or guardian of the child notifies the school district in writing of the parent’s or guardian’s intent to remove the child from enrollment in the school district.

DIVISION XIV
STATE MANDATE

Sec. 41. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from the state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.>

On the part of the Senate:

On the part of the House:

HERMAN C. QUIRMBACH, Chair
NANCY J. BOETTGER
TOD BOWMAN
SHAWN HAMERLINCK
BRIAN SCHOENJAHN

ROYD CHAMBERS, Chair
CECIL DOLECHECK
GREG FORRISTALL
MARY MASCHER
SHARON STECKMAN

SENATE FILE 2313

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2313, a bill for an Act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, respectfully make the following report:

1. That the House amendment, S-5114, to Senate File 2313, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, line 10, after <balance> by inserting <in an amount not to exceed five

hundred thousand dollars>

- 2. Page 1, line 32, by striking <3,901.735> and inserting <4,020.344>
- 3. Page 1, line 37, by striking <2,548.973> and inserting <2,676.460>
- 4. Page 1, by striking lines 47 and 48 and inserting:

<405.914
 FTEs 6.88
5.00>

5. Page 1, line 49, by striking <the I3 distribution account> and inserting <the I3 ~~distribution account~~ distribution to other governmental entities for the payment of ~~services related to the integrated information for Iowa system~~>

- 6. Page 2, line 1, by striking <0> and inserting <3,277.946>
- 7. Page 2, before line 2 by inserting:

<Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution account and shall be distributed to other governmental entities based upon a formula established by the department to pay for services associated with the integrated information for Iowa system provided during the fiscal year by the department.>

- 8. Page 2, line 5, by striking <966.164> and inserting <995.535>
- 9. Page 2, line 50, by striking <878.755> and inserting <905.468>
- 10. Page 3, line 33, by striking <475.000> and inserting <490.000>
- 11. Page 3, line 47, by striking <1,184.387> and inserting <1,220.391>
- 12. Page 4, line 5, by striking <582.641> and inserting <600.353>
- 13. Page 5, line 30, by striking <legislation> and inserting <legislation House File 561>

- 14. Page 6, by striking lines 31 through 36 and inserting:
<1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,144,013
2,194,914
 FTEs 22.88
20.00

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 93,111
 FTEs 2.00>

- 15. Page 7, line 2, by striking <290.000> and inserting <240.000>
- 16. Page 7, line 4, by striking <6.00> and inserting <4.00>
- 17. Page 7, line 18, by striking <200.022> and inserting <206.103>
- 18. Page 7, line 26, by striking <997.746> and inserting <1,028.077>
- 19. Page 7, line 34, by striking <993.685> and inserting <1,100.105>
- 20. Page 12, line 32, by striking <2,323.370> and inserting <2,393.998>
- 21. Page 13, line 15, by striking <17,138.488> and inserting <17,659.484>
- 22. Page 13, line 17, by striking <245.46> and inserting <309.00>
- 23. Page 14, line 4, by striking <2,810.159> and inserting <2,895.585>
- 24. Page 14, line 38, by striking <829.086> and inserting <854.289>
- 25. By striking page 15, line 37, through page 16, line 22, and inserting:

<Sec. ____ Section 80E.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The governor's office of drug control policy shall be an independent office, located at the same location as the department of public safety.

Administrative support services may be provided to the governor's office of drug control policy by the department of public safety.>

26. Page 16, by striking lines 28 through 32.
27. By renumbering as necessary.

On the part of the Senate:

PAM JOCHUM, Chair
 MERLIN BARTZ
 TOD BOWMAN
 JEFF DANIELSON
 JONI ERNST

On the part of the House:

RALPH WATTS, Chair
 WALT ROGERS
 JEFF SMITH

SENATE FILE 2315

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2315, a bill for an Act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-8518.
2. That the House amendment, S-5234, to Senate File 2315, as amended, passed, and reprinted by the Senate, is amended to read as follows:
 1. Page 5, after line 34 by inserting:
 <__. Page 11, line 18, by striking <A person> and inserting <Notwithstanding subsection 1, a person>>
 2. Page 6, by striking lines 2 and 3.
 3. Page 7, by striking lines 7 through 13 and inserting <in this Act. In addition, the transition>
 4. Page 8, line 38, after <2012.> by inserting <The department shall complete the application process and make a recommendation by December 1, 2012, to the governor and general assembly for an appropriate amount of funding to meet the need for assistance under this section as determined by the department's analysis of the applications, which amount may be addressed by an appropriation by the Eighty-fifth General Assembly, 2013 Regular Session.>
 5. Page 10, after line 22 by inserting:
 <__. Chapter 229.>
 6. Page 12, after line 10 by inserting:
 <__. Page 27, line 23, before <one> by inserting <at least>>
 7. Page 15, line 1, after <applies> by inserting <beginning July 1, 2012,>
 8. Page 15, line 5, after <costs> by inserting <for services provided on or after July 1, 2011,>
 9. Page 15, after line 8 by inserting:
 <()Chapter 229.>
 10. Page 15, line 17, after <billing.> by inserting <However, for services provided on or after July 1, 2011, for which a county has received the billing as of July 1, 2012, the county shall notify the department of the county's assertion on or before October 1, 2012.>
 11. By striking page 24, line 23, through page 28, line 2, and inserting:

<DIVISION ____

PROPERTY TAX-RELATED PROVISIONS

Sec. ____ MENTAL HEALTH AND DISABILITY SERVICES REDESIGN FISCAL VIABILITY ANALYSIS. The legislative council is requested to authorize a study committee to analyze the viability of the mental health and disability services redesign financing provisions in this Act, during the 2012 and 2013 legislative interims. The study committee may contract for an independent analysis to be performed. The study committee shall consider reports from the transition committee created by this division of this Act. Reports of the analysis containing findings and recommendations shall be submitted for consideration by the Eighty-fifth General Assembly during the 2013 legislative session. The study committee may meet during the 2013 legislative interim to consider and determine whether revisions to 2013 redesign financing enactments are warranted and to make appropriate recommendations for consideration during the 2014 legislative session.

Sec. ____ Section 331.424A, Code Supplement 2011, is amended to read as follows:

331.424A County mental health, ~~mental retardation~~, and ~~developmental disabilities services fund~~.

1. For the purposes of this chapter ~~and chapter 426B~~, unless the context otherwise requires, *“services fund”* means the county mental health, mental retardation, and developmental disabilities services fund created in subsection 2. ~~The county finance committee created in section 333A.2 shall consult with the state commission in adopting rules and prescribing forms for administering the services fund.~~

a. “Base year expenditures for mental health and disabilities services” means the same as defined in section 331.438, Code Supplement 2011, minus the amount the county received from the property tax relief fund pursuant to section 426B.1, Code 2011, for the fiscal year beginning July 1, 2008.

b. “County population expenditure target amount” means the product of the statewide per capita expenditure target amount multiplied by a county’s general population.

c. “County services fund” means a county mental health and disabilities services fund created pursuant to this section.

d. “Per capita growth amount” means the amount by which the statewide per capita expenditure target amount may grow from one year to the next.

e. “Statewide per capita expenditure target amount” means the dollar amount of a statewide expenditure target per person as established by statute.

2. ~~The county finance committee created in section 333A.2 shall consult with the department of human services and the department of management in adopting rules and prescribing forms for administering the county services funds.~~

2. ~~3.~~ For the fiscal year beginning July 1, 1996, and succeeding fiscal years, county ~~County~~ revenues from taxes and other sources designated by a county for mental health, ~~mental retardation~~, and ~~developmental disabilities services~~ shall be credited to the county mental health, ~~mental retardation~~, and ~~developmental disabilities services fund of which shall be created by the county~~. The board shall make appropriations from the fund for payment of services provided under the ~~county regional service system~~ management plan approved pursuant to section ~~331.439~~ 331.439A. The county may pay for the services in cooperation with other counties by pooling appropriations from the ~~county services fund with appropriations from the county services fund of other counties or through county regional entities including but not limited to the county’s mental health and developmental disabilities regional planning council created pursuant to section 225C.18 through the county’s regional administrator, or through another arrangement specified in the regional governance agreement entered into by the county under section 331.438E.~~

~~3. 4. For the fiscal year beginning July 1, 1996, and succeeding fiscal years, receipts~~ Receipts from the state or federal government for ~~such~~ the mental health and disability services administered or paid for by a county shall be credited to the county services fund, including moneys ~~allotted distributed~~ to the county from the state payment made pursuant to section 331.430 and moneys allotted to the county for property tax relief pursuant to section ~~426B.1~~ department of human services and moneys allocated under chapter 426B.

~~4. 5. For the fiscal year beginning July 1, 1996, and for each subsequent fiscal year, the county shall certify a levy for payment of services. For each fiscal year, county revenues from taxes imposed by the county credited to the services fund shall not exceed an amount equal to the amount of base year expenditures for mental health and disability services as defined in section 331.438, less the amount of property tax relief to be received pursuant to section 426B.2, in the fiscal year for which the budget is certified. The county auditor and the board of supervisors shall reduce the amount of the levy certified for the services fund by the amount of property tax relief to be received. A levy certified under this section is not subject to the appeal provisions of section 331.426or to any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.~~

~~5. 6. Appropriations specifically authorized to be made from the mental health, mental retardation, and developmental disabilities services fund shall not be made from any other fund of the county.~~

~~6. 7. This section is repealed July 1, 2013.~~

Notwithstanding subsection 5, for the fiscal years beginning July 1, 2013, and July 1, 2014, county revenues from taxes levied by the county and credited to the county services fund shall not exceed the lower of the following amounts:

a. The amount of the county's base year expenditures for mental health and disabilities services.

b. The amount equal to the product of the statewide per capita expenditure target for the fiscal year beginning July 1, 2013, multiplied by the county's general population for the same fiscal year.

Sec. __. Section 331.432, subsection 3, Code Supplement 2011, is amended to read as follows:

3. Except as authorized in section 331.477, transfers of moneys between the county mental health, ~~mental retardation, and developmental~~ disabilities services fund ~~created pursuant to section 331.424A~~ and any other fund are prohibited.

Sec. __. Section 426B.1, subsection 2, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

2. Moneys shall be distributed from the property tax relief fund to counties for the mental health and disability regional service system for providing county base property tax equivalent equalization payments and the per capita growth amount established pursuant to section 426B.3, in accordance with the appropriations made to the fund and other statutory requirements.

Sec. __. Section 426B.2, subsections 1 and 2, Code 2011, are amended by striking the subsections.

Sec. __. Section 426B.2, subsection 3, Code 2011, is amended to read as follows:

3. ~~4.~~ The director of human services shall draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with ~~subsection 1~~ section 426B.3, and mail the warrants to the county auditors in July and January of each year.

~~6. Any replacement generation tax in the property tax relief fund as of May 1 shall be paid to the county treasurers in July and January of the fiscal year beginning the following July 1. The department of management shall determine the amount each~~

~~county will be paid pursuant to this lettered paragraph for the following fiscal year. The department shall reduce by the determined amount the amount of each county's certified budget to be raised by property tax for that fiscal year which is to be expended for mental health, mental retardation, and developmental disabilities services and shall revise the rate of taxation as necessary to raise the reduced amount. The department of management shall report the reduction in the certified budget and the revised rate of taxation to the county auditors by June 15.~~

Sec. ____ Section 426B.3, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

426B.3 Per capita funding for fiscal years 2013–2014 and 2014–2015.

1. For the fiscal years beginning July 1, 2013, and July 1, 2014, the state and county funding for the mental health and disability services administered or paid for by counties shall be provided based on a statewide per capita expenditure target amount computed in accordance with this section.

2. The statewide per capita expenditure target amount shall consist of the sum of the following:

a. A county base property tax equivalent to forty-seven dollars and twenty-eight cents per capita. Each per capita growth amount established by statute as provided in paragraph "b", shall be added to this amount.

b. A per capita growth amount, which may be stated as a percentage of the prior fiscal year's county base property tax per capita amount, as established by statute.

3. The per capita growth amount established by statute shall provide funding for increases in non-Medicaid expenditures from county services funds due to service costs, additional service populations, additional core service domains, and numbers of persons receiving services.

4. *a.* For the fiscal years beginning July 1, 2013, and July 1, 2014, a county with a county population expenditure target amount that exceeds the amount of the county's base year expenditures for mental health and disabilities services shall receive an equalization payment for the difference.

b. The equalization payments determined in accordance with this subsection shall be made by the department of human services for each fiscal year as provided in appropriations made from the property tax relief fund for this purpose.

Sec. ____ REPEAL. Section 426B.6, Code Supplement 2011, is repealed.

Sec. ____ EFFECTIVE DATE. The following provisions of this division of this Act take effect July 1, 2013:

1. The section of this Act amending section 331.424A.
2. The section of this Act amending section 331.432.
3. The section of this Act amending section 426B.1.
4. The sections of this Act amending section 426B.2.
5. The section of this Act amending section 426B.3.

Sec. ____ APPLICABILITY. The following provisions of this division of this Act are applicable commencing with the budget and tax levy certification process for the fiscal year beginning July 1, 2013:

1. The section of this Act amending section 331.424A.
2. The section of this Act amending section 426B.1.
3. The sections of this Act amending section 426B.2.
4. The section of this Act amending section 426B.3.>
12. By renumbering as necessary.

On the part of the Senate:

On the part of the House:

JACK HATCH, Chair
 JOE BOLKCOM
 JONI ERNST
 DAVID JOHNSON
 AMANDA RAGAN

RENEE SCHULTE, Chair
 LINDA UPMEYER
 NICK WAGNER

SENATE FILE 2316

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2316, a bill for an Act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa’s health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, respectfully make the following report:

1. That the House amendment, S–5148, to Senate File 2316, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, line 15, by striking <20,000,000> and inserting <10,250,000>
2. Page 1, by striking line 16 and inserting:

<The moneys appropriated in this lettered paragraph shall be used according to the department’s major maintenance project recommendation list submitted to the Governor’s vertical infrastructure advisory committee.>

3. Page 1, line 28, by striking <2,000,000> and inserting <1,450,000>
4. Page 1, after line 28 by inserting:

<FY 2013–2014 \$ 1,000,000>

5. Page 1, after line 34 by inserting:

<___. ECONOMIC DEVELOPMENT AUTHORITY

a. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph “c”:

FY 2012–2013 \$ 500,000

b. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph “c”:

FY 2012–2013 \$ 100,000

c. For roof repairs, restoration of the chapel, and improvements and interior renovation to develop a collections room at the museum at Fort Des Moines:

FY 2012–2013 \$ 100,000

d. For remodeling, renovations, and related improvements of a kitchen at a year-round camp for persons with disabilities in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as

determined by the 2010 federal decennial census:

FY 2012–2013 \$ 125,000

Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds.>

- 6. Page 1, line 36, by striking <a.>
- 7. Page 1, line 41, by striking <5,000,000> and inserting <6,000,000>
- 8. Page 1, by striking lines 42 through 46.
- 9. Page 2, by striking lines 2 through 21.
- 10. Page 2, line 23, before <For> by inserting <a.>
- 11. Page 2, line 29, by striking <5,459,000> and inserting <6,000,000>
- 12. Page 2, after line 29 by inserting:

<b. For the restoration and reconstruction of a dam in a county with a population between seventeen thousand seven hundred and seventeen thousand eight hundred as determined by the 2010 federal decennial census, for a lake with public access that has the support of a benefited lake district:

FY 2012–2013 \$ 2,500,000
FY 2013–2014 \$ 2,500,000

The appropriations in this lettered paragraph are conditioned upon the completion of a plan by the benefited lake district to increase public access areas to the lake such as boat ramps and beaches, and to address wastewater treatment systems for homeowners in an effort to reduce pollution and increase the water quality at the lake. The plan shall be submitted to the general assembly no later than December 31, 2012.

c. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 6, paragraph “c”:

FY 2012–2013 \$ 1,000,000>

- 13. Page 2, line 45, before <For> by inserting <a.>
- 14. Page 3, after line 4 by inserting:

<b. To Iowa state university of science and technology to the college of veterinary medicine for renovations and improvements of facilities:

FY 2012–2013 \$ 400,000

c. To Iowa state university of science and technology to be used for the phase II expansion of a building at the science and technology research park:

FY 2012–2013 \$ 1,000,000>

- 15. Page 3, line 32, by striking <500,000> and inserting <250,000>
- 16. Page 3, after line 32 by inserting:

<FY 2013–2014 \$ 250,000>

17. Page 4, by striking lines 4 through 10 and inserting <following entities for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:>

- 18. Page 4, after line 13 by inserting: <FY 2012–2013>
- 19. Page 4, after line 20 by inserting: <FY 2012–2013>
- 20. Page 4, after line 35 by inserting:

<___. DEPARTMENT OF CULTURAL AFFAIRS

For providing a grant to the Grout museum district for the Sullivan brothers veterans museum for costs associated with the oral history exhibit including but not limited to exhibit information technology, computer connectivity, and interactive display technologies:

FY 2012–2013 \$ 150,000
FY 2013–2014 \$ 129,450>

- 21. Page 4, after line 41 by inserting: <FY 2012–2013>
- 22. Page 4, after line 49 by inserting: <FY 2012–2013>

23. Page 4, after line 50 by inserting:

<c. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY 2013–2014	\$ 2,727,000
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24. Page 5, after line 4 by inserting: <FY 2012–2013>

25. Page 5, line 5, by striking <1,742,397> and inserting <1,714,307>

26. Page 5, after line 5 by inserting:

<___. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

a. For a comprehensive audit and appraisal, notwithstanding section 8.57C, subsection 2:

FY 2012–2013	\$ 500,000
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Prior to the sale or lease of the Iowa communications network, the network shall conduct a comprehensive accounting to include a complete inventory of all the components included in the network including all fiber, switching stations, end user equipment, and individual components purchased by the network and the state of Iowa since the creation of the network. The network shall then conduct an appraisal of the network to determine the market value of the assets listed in the accounting as well as the market value of the network’s current and future operations.

The inventory audit and appraisal shall be conducted by an independent professional firm selected through a competitive bidding process not associated with the network or any of its vendors. The selected firm shall be accredited in business valuation from either the American institute of certified public accountants or the American society of appraisers, be technology-based, and have extensive industry experience in telecommunications. In addition, the selected firm shall have experience and knowledge regarding the public markets for telecommunications companies, potential buyers of telecommunications networks, and specific attributes of telecommunications networks that impact their valuation.

b. For replacement of equipment for the Iowa communications network:

FY 2012–2013	\$ 2,198,653
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The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network.

In addition to moneys appropriated in this lettered paragraph, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this lettered paragraph, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.>

27. Page 5, after line 9 by inserting: <FY 2012–2013>

28. Page 5, after line 12 by inserting: <FY 2012–2013>

29. Page 5, by striking line 18 and inserting:

<FY 2012–2013	\$ 1,000,000
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FY 2013–2014	\$ 3,000,000>
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30. By striking page 5, line 32, through page 6, line 1, and inserting:

<ENDOWMENT FOR IOWA’S HEALTH RESTRICTED CAPITALS FUND ACCOUNT
— APPROPRIATION

Sec. ___. ENDOWMENT FOR IOWA’S HEALTH RESTRICTED CAPITALS FUND ACCOUNT. There is appropriated from the endowment for Iowa’s health restricted capitals fund account to the department of corrections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the construction project and one-time furniture, fixture, and equipment costs at Fort Madison:

..... \$ 2,000,000

Sec. __. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends one year after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.>

31. Page 6, by striking lines 19 through 33 and inserting:

<MORTGAGE SERVICING SETTLEMENT FUND — APPROPRIATION —
DEPARTMENT OF EDUCATION

Sec. __. MORTGAGE SERVICING SETTLEMENT FUND. There is appropriated from the mortgage servicing settlement fund to the department of education for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For major renovation and major repair needs, including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act, and for routine maintenance and building operations, for buildings and facilities under the purview of the community colleges:

..... \$ 5,000,000>

32. Page 6, line 40, by striking <one year> and inserting <three years>

33. Page 7, line 28, by striking <paragraph b, is> and inserting <paragraphs a and b, are>

34. Page 7, after line 29 by inserting:

<a. For the construction project and one-time furniture, fixture, and equipment costs at Fort Madison:

FY 2011–2012 \$ 5,155,077

FY 2012–2013 \$ 18,269,124

..... 16,269,124

FY 2013–2014 \$ 3,000,000>

35. Page 7, line 37, by striking <paragraph c, is> and inserting <paragraphs c through f, are>

36. Page 8, after line 3 by inserting:

<d. For construction, renovation, and related improvements for phase II of the agricultural and biosystems engineering complex, including classrooms, laboratories, and offices at Iowa state university of science and technology:

FY 2011–2012 \$ 1,000,000

FY 2012–2013 \$ 20,800,000

..... 19,050,000

FY 2013–2014 \$ 20,000,000

..... 21,750,000

FY 2014–2015 \$ 18,600,000

e. For the renovation and related improvements to the dental science building at the state university of Iowa including but not limited to renovation of clinical spaces and development of a multidisciplinary clinical area:

FY 2011–2012 \$ 1,000,000

FY 2012–2013 \$ 12,000,000

..... 10,250,000

FY 2013–2014 \$ 8,000,000

	<u>9,750,000</u>
FY 2014–2015	\$ 8,000,000
f. For renovation and related improvements for Bartlett hall at the university of northern Iowa including providing faculty offices, seminar rooms, and laboratories in the building and the associated demolition of Baker hall:	
.....	\$ 1,000,000
FY 2012–2013	\$ 8,286,000
	<u>7,786,000</u>
FY 2013–2014	\$ 9,767,000
	<u>10,267,000</u>
FY 2014–2015	\$ 1,947,000>

37. Page 8, after line 12 by inserting:

<Sec. __. 2011 Iowa Acts, chapter 133, section 3, subsection 5, paragraph a, is amended to read as follows:

a. To be used for medical contracts under the medical assistance program for technology upgrades necessary to support Medicaid claims and other health operations, worldwide HIPAA claims transactions and coding requirements, and the Iowa automated benefits calculation system:

FY 2011–2012	\$ 3,494,176
FY 2012–2013	\$ 4,667,600
	<u>4,120,037</u>
FY 2013–2014	\$ 4,267,600
	<u>4,815,163</u>
FY 2014–2015	\$ 1,945,684>

38. Page 8, line 14, by striking <paragraph a,>

39. Page 8, after line 15 by inserting:

<8. DEPARTMENT OF PUBLIC SAFETY>

40. Page 8, after line 50 by inserting:

<b. For transfer to a firefighter association in a county with a population between ninety thousand and ninety-five thousand as determined by the 2010 federal decennial census for a ~~driving simulator to enhance the association's emergency vehicle operations course~~ firearms training simulator:

.....	\$ 80,000>
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41. Page 9, by striking lines 17 through 50 and inserting:

<(ii) ~~(A) However~~ Except as otherwise provided in subparagraph part (B), in lieu of the deposit in subparagraph subdivision (i), for the fiscal ~~year~~ years beginning July 1, 2010, ~~July 1, 2011, and July 1, 2013~~, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, sixty-four million seven hundred fifty thousand dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(B) For the fiscal year beginning July 1, 2012 and ending June 30, 2013, thirty-eight million seven hundred fifty thousand dollars shall be deposited in the general fund of the state and the next twenty million dollars shall be deposited in the technology reinvestment fund.

Sec. __. Section 8.57C, subsection 3, paragraph a, Code Supplement 2011, is amended to read as follows:

a. There is appropriated from the general fund of the state for the fiscal year beginning July 1, ~~2012~~ 2013, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.>

42. Page 10, before line 1 by inserting:

<Sec. ____ Section 15F.204, subsection 8, paragraph g, Code Supplement 2011, is amended to read as follows:

g. For ~~the each~~ fiscal year for the fiscal period beginning July 1, 2012, and ending June 30, ~~2013~~ 2014, the sum of five million dollars.>

43. Page 10, by striking lines 36 through 40 and inserting:

<____ Title page, by striking lines 4 and 5 and inserting <endowment for Iowa’s health restricted capitals fund, and the mortgage servicing settlement fund, providing for related>>

44. By renumbering as necessary.

On the part of the Senate:

On the part of the House:

MATT McCOY, Chair
DARYL BEALL
ROBERT E. DVORSKY

DAN HUSEMAN, Chair
ROYD CHAMBERS
DENNIS COHOON
LEE HEIN
BRIAN QUIRK

SENATE FILE 2321

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2321, a bill for an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5145.

2. That Senate File 2321, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

FY 2012–2013 EDUCATION APPROPRIATIONS

Section 1. 2011 Iowa Acts, chapter 132, section 7, subsection 1, paragraph a, is amended to read as follows:

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,065,005
.....	FTEs	15.00

(1) The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency.

(2) The state board of regents may transfer moneys appropriated under paragraphs “b”, “c”, and “d”, to any of the centers specified in paragraph “b”, “c”, or “d”, if the board notifies, in writing, the general assembly and the legislative services agency of the amount, the date, and the purpose of the transfer.

MIDWESTERN HIGHER EDUCATION COMPACT

Sec. 2. 2011 Iowa Acts, chapter 132, section 32, is amended to read as follows:

SEC. 32. There is appropriated from the general fund of the state to the department of education for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To be distributed to the midwestern higher education compact to pay Iowa’s

member state annual obligation:

FY 2010–2011	\$	39,000
FY 2011–2012	\$	100,000
FY 2012–2013	\$	<u>50,000</u>
		<u>100,000</u>

Notwithstanding section 8.33, moneys appropriated in this section, to the department of education for purposes of paying Iowa’s member state annual obligation under the midwestern higher education compact, that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

DEPARTMENT FOR THE BLIND

Sec. 3. 2011 Iowa Acts, chapter 132, section 97, is amended to read as follows:

SEC. 97. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	\$	<u>845,908</u>
.....		<u>1,691,815</u>
.....	FTEs	88.00
2. For costs associated with universal access to audio information over the phone on demand for blind and print handicapped Iowans:		
.....	\$	<u>25,000</u>
.....		<u>50,000</u>

COLLEGE STUDENT AID COMMISSION

Sec. 4. 2011 Iowa Acts, chapter 132, section 98, is amended to read as follows:

SEC. 98. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>116,472</u>
.....		<u>232,943</u>
.....	FTEs	3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

.....	\$	<u>395,589</u>
.....		<u>791,177</u>

3. ~~DES MOINES UNIVERSITY~~ HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For ~~forgivable loans to Iowa students attending Des Moines university~~ osteopathic medical center under the forgivable loan repayment program for health care professionals established pursuant to section 261.19:

.....	\$	<u>162,987</u>
.....		<u>325,973</u>

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... \$ 1,593,117
4,800,233

5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

..... \$ 196,226
392,452

6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

..... \$ 277,020
554,057

7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

..... \$ 1,120,427
2,240,854

b. If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2012-2013 for purposes of the all Iowa opportunity scholarship program exceed \$500,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2012-2013, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

a. For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

..... \$ 40,426
80,852

b. It is the intent of the general assembly that the commission continue to consider moneys allocated pursuant to this subsection as moneys that meet the state matching funds requirements of the federal leveraging educational assistance program and the federal supplemental leveraging educational assistance program established under the Higher Education Act of 1965, as amended.

9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:

..... \$ 18,460
36,938

10. SKILLED WORKFORCE SHORTAGE TUITION GRANTS

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 5,000,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2014.

DEPARTMENT OF EDUCATION

Sec. 5. 2011 Iowa Acts, chapter 132, section 102, is amended to read as follows:

SEC. 102. There is appropriated from the general fund of the state to the

department of education for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>2,956,906</u>
.....		<u>5,913,812</u>
.....	FTEs	81.67

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>224,638</u>
.....		<u>598,197</u>
.....	FTEs	11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>2,481,584</u>
.....		<u>4,963,168</u>
.....	FTEs	255.00

For purposes of optimizing the job placement of individuals with disabilities, the division shall make its best efforts to work with community rehabilitation program providers for job placement and retention services for individuals with significant disabilities and most significant disabilities. By January 15, 2013, the division shall submit a written report to the general assembly on the division's outreach efforts with community rehabilitation program providers.

b. For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

.....	\$	<u>19,564</u>
.....		<u>39,128</u>
.....	FTEs	1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

.....	\$	<u>72,768</u>
.....		<u>145,535</u>

d. For costs associated with centers for independent living:

.....	\$	<u>20,147</u>
.....		<u>40,294</u>

4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>604,810</u>
.....		<u>2,215,063</u>
.....	FTEs	<u>17.00</u>
.....		<u>29.00</u>

b. For the enrich Iowa program established under section 256.57:

.....	\$	<u>837,114</u>
.....		<u>2,174,228</u>

~~5. LIBRARY SERVICE AREA SYSTEM~~

~~For state aid:~~

.....		\$	<u>502,722</u>
6. PUBLIC BROADCASTING DIVISION			
For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:			
.....		\$	<u>3,327,011</u>
.....			<u>6,969,021</u>
.....		FTEs	82.00

~~7. REGIONAL TELECOMMUNICATIONS COUNCILS~~

~~For state aid:~~

.....		\$	<u>496,457</u>
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~~The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this subsection to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.~~

8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

.....		\$	<u>1,315,067</u>
.....			<u>2,630,134</u>

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

9. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....		\$	<u>1,088,399</u>
.....			<u>2,176,797</u>
.....		FTEs	20.58

10. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....		\$	<u>2,693,057</u>
.....			<u>5,386,113</u>

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, not more than \$265,950 is allocated for the early childhood Iowa office and other technical assistance activities. The early childhood Iowa state board shall direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. As a condition of receiving moneys appropriated in this subsection, each early childhood Iowa area board shall report to the early childhood Iowa state board progress on each of the local indicators approved by the area board. Each early childhood Iowa area board must also submit an annual budget for the area's comprehensive school ready children grant developed for providing services for children from birth through five years of age, and provide other information specified by the early childhood Iowa state board, including budget amendments as needed. The early childhood Iowa state board shall establish a submission deadline for the annual budget and any budget

amendments that allow a reasonable period of time for preparation by the early childhood Iowa area boards and for review and approval or request for modification of the materials by the early childhood Iowa state board. In addition, each early childhood Iowa area board must continue to comply with reporting provisions and other requirements adopted by the early childhood Iowa state board in implementing section 256I.9.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed \$88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph “b”, and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	<u>2,714,439</u>
		<u>5,428,877</u>

b. The amount appropriated in this subsection shall be used for early care, health, and education programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than 200 percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, an early childhood Iowa area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	<u>6,182,217</u>
		<u>12,364,434</u>

b. The amount appropriated in this subsection shall be used for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent

education programs targeted to families expecting a child or with newborn and infant children through age five.

c. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority as follows:

(1) By July 1, 2013, 25 percent of state funds expended for home visiting programs are for evidence-based or promising program models.

(2) By July 1, 2014, 50 percent of state funds expended for home visiting programs are for evidence-based or promising program models.

(3) By July 1, 2015, 75 percent of state funds expended for home visiting programs are for evidence-based or promising program models.

(4) By July 1, 2016, 90 percent of state funds expended for home visiting programs are for evidence-based or promising program models. The remaining 10 percent of funds may be used for innovative program models that do not yet meet the definition of evidence-based or promising programs.

d. For the purposes of this subsection, unless the context requires:

(1) "Evidence-based program" means a program that is based on scientific evidence demonstrating that the program model is effective. An evidence-based program shall be reviewed on site and compared to program model standards by the model developer or the developer's designee at least every five years to ensure that the program continues to maintain fidelity with the program model. The program model shall have had demonstrated significant and sustained positive outcomes in an evaluation utilizing a well-designed and rigorous randomized controlled research design or a quasi-experimental research design, and the evaluation results shall have been published in a peer-reviewed journal.

(2) "Family support programs" includes group-based parent education or home visiting programs that are designed to strengthen protective factors, including parenting skills, increasing parental knowledge of child development, and increasing family functioning and problem solving skills. A family support program may be used as an early intervention strategy to improve birth outcomes, parental knowledge, family economic success, the home learning environment, family and child involvement with others, and coordination with other community resources. A family support program may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

(3) "Promising program" means a program that meets all of the following requirements:

(a) The program conforms to a clear, consistent family support model that has been in existence for at least three years.

(b) The program is grounded in relevant empirically-based knowledge.

(c) The program is linked to program-determined outcomes.

(d) The program is associated with a national or state organization that either has comprehensive program standards that ensure high-quality service delivery and continuous program quality improvement or the program model has demonstrated through the program's benchmark outcomes that the program has achieved significant positive outcomes equivalent to those achieved by program models with published significant and sustained results in a peer-reviewed journal.

(e) The program has been awarded the Iowa family support credential and has been reviewed on site at least every five years to ensure the program's adherence to the Iowa family support standards approved by the early childhood Iowa state board created in section 256I.3 or a comparable set of standards. The on-site review is completed by an independent review team that is not associated with the program or

the organization administering the program.

e. (1) The data reporting requirements adopted by the early childhood Iowa state board pursuant to section 256I.4 for the family support programs targeted to families expecting a child or with newborn and infant children through age five and funded through the board shall require the programs to participate in a state administered internet-based data collection system by July 1, 2013. The data reporting requirements shall be developed in a manner to provide for compatibility with local data collection systems. The state board's annual report submitted each January to the governor and general assembly under section 256I.4 shall include family support program outcomes beginning with the January 2015 report.

(2) The data on families served that is collected by the family support programs funded through the early childhood Iowa initiative shall include but is not limited to basic demographic information, services received, funding utilized, and program outcomes for the children and families served. The state board shall adopt performance benchmarks for the family support programs and shall revise the Iowa family support credential to incorporate the performance benchmarks on or before January 1, 2014.

(3) The state board shall identify minimum competency standards for the employees and supervisors of family support programs funded through the early childhood Iowa initiative. The state board shall submit recommendations concerning the standards to the governor and general assembly on or before January 1, 2014.

(4) On or before January 1, 2013, the state board shall adopt criminal and child abuse record check requirements for the employees and supervisors of family support programs funded through the early childhood Iowa initiative.

(5) The state board shall develop a plan to implement a coordinated intake and referral process for publicly funded family support programs in order to engage the families expecting a child or with newborn and infant children through age five in all communities in the state by July 1, 2015.

13. BIRTH TO AGE THREE SERVICES

For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2012, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 860,700
1,721,400

From the moneys appropriated in this subsection, \$383,769 shall be allocated to the child health specialty clinic at the state university of Iowa to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... \$ 280,107
560,214

Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system:

..... \$ 500,000
1,000,000

16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

.....	\$	<u>2,392,500</u>
.....		<u>4,785,000</u>
.....	FTEs	2.00

17. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

.....	\$	<u>20,000</u>
.....		<u>540,000</u>

18. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

.....	\$	<u>81,887,324</u>
.....		<u>177,274,647</u>

~~The funds appropriated in this subsection shall be allocated pursuant to the formula established in section 206C.18C.~~

Notwithstanding the allocation formula in section 260C.18C, the funds appropriated in this subsection shall be allocated as follows:

<u>(1) Merged Area I</u>	<u>\$</u>	<u>8,815,803</u>
<u>(2) Merged Area II</u>	<u>\$</u>	<u>9,196,145</u>
<u>(3) Merged Area III</u>	<u>\$</u>	<u>8,473,561</u>
<u>(4) Merged Area IV</u>	<u>\$</u>	<u>4,164,164</u>
<u>(5) Merged Area V</u>	<u>\$</u>	<u>9,859,104</u>
<u>(6) Merged Area VI</u>	<u>\$</u>	<u>8,113,382</u>
<u>(7) Merged Area VII</u>	<u>\$</u>	<u>12,193,896</u>
<u>(8) Merged Area IX</u>	<u>\$</u>	<u>15,262,118</u>
<u>(9) Merged Area X</u>	<u>\$</u>	<u>27,387,664</u>
<u>(10) Merged Area XI</u>	<u>\$</u>	<u>28,219,579</u>
<u>(11) Merged Area XII</u>	<u>\$</u>	<u>9,971,081</u>
<u>(12) Merged Area XIII</u>	<u>\$</u>	<u>10,444,823</u>
<u>(13) Merged Area XIV</u>	<u>\$</u>	<u>4,235,051</u>
<u>(14) Merged Area XV</u>	<u>\$</u>	<u>13,275,582</u>
<u>(15) Merged Area XVI</u>	<u>\$</u>	<u>7,662,694</u>

b. For distribution to community colleges to supplement faculty salaries:

.....	\$	<u>250,000</u>
.....		<u>500,000</u>

c. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

.....	\$	<u>2,500,000</u>
.....		<u>8,000,000</u>

d. For deposit in the gap tuition assistance fund established pursuant to section 260I.2, subsection 2:

.....	\$	<u>2,000,000</u>
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STATE BOARD OF REGENTS

Sec. 6. 2011 Iowa Acts, chapter 132, section 103, is amended to read as follows:

SEC. 103. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	532,503
		<u>1,065,005</u>
.....	FTEs	15.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted in December 2012 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa graduate studies center:

.....	\$	43,736
		<u>87,471</u>

c. For moneys to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 22:

.....	\$	33,301
		<u>66,601</u>

d. For moneys to be allocated to the quad-cities graduate studies center:

.....	\$	64,888
		<u>129,776</u>

The board may transfer moneys appropriated under paragraph "b", "c", or "d", of this subsection to any of the other centers specified in paragraph "b", "c", or "d", if the board notifies, in writing, the general assembly and the legislative services agency of the amount, the date, and the purpose of the transfer.

e. For moneys to be distributed to Iowa public radio for public radio operations:

.....	\$	195,784
		<u>391,568</u>

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	104,868,656
		<u>216,414,572</u>
.....	FTEs	5,058.55

b. Oakdale campus

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,093,279
		<u>2,186,558</u>
.....	FTEs	38.25

c. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,768,358
		<u>3,536,716</u>
.....	FTEs	102.50

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	894,133
-------	----	---------

1,788,265

..... FTEs 190.40

e. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

..... \$ 329,728

659,456

..... FTEs 57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

..... \$ 74,526

149,051

..... FTEs 2.10

g. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:

..... \$ 27,765

55,529

..... FTEs 1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

..... \$ 361,864

723,727

..... FTEs 6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

..... \$ 324,465

648,930

..... FTEs 5.89

From the moneys appropriated in this lettered paragraph, \$254,889 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

..... \$ 49,144

38,288

..... FTEs 1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

..... \$ 81,270

162,539

..... FTEs 2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science,

technology, engineering, and mathematics initiative:

..... \$ 240,925
481,849

m. For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

..... \$ 1,500.000

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 82,172,599
169,577,342

..... FTEs 3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 14,055,939
28,111,877

..... FTEs 546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 8,968,361
17,936,722

..... FTEs 383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

..... \$ 198,709
397,417

..... FTEs 11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

..... \$ 86,423
172,845

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 37,367,293
81,113,859

..... FTEs 1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

..... \$ 87,628
175,256

..... FTEs 3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of establishing a science, technology, engineering, and mathematics (STEM) collaborative initiative, and for not more than the following full-time equivalent positions:

.....	\$	<u>867,328</u>
.....		<u>4,700,000</u>
.....	FTEs	6.20

(1) From the moneys appropriated in this lettered paragraph, up to \$282,000 shall be allocated for salaries, staffing, and institutional support. The remainder of the moneys appropriated in this lettered paragraph shall be expended only to support activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	<u>62,651</u>
.....		<u>125,302</u>
.....	FTEs	1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>4,330,982</u>
.....		<u>8,853,563</u>
.....	FTEs	126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>1,809,466</u>
.....		<u>3,691,310</u>
.....	FTEs	62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	<u>5,882</u>
.....		<u>11,763</u>

8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

.....	\$	<u>41,025</u>
.....		<u>82,049</u>

Sec. 7. Section 235A.15, subsection 2, paragraph e, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (22) To the administrator of a family support program receiving public funds, if the data relates to a record check of an employee working

directly with families.

Sec. 8. Section 256.86, Code 2011, is amended to read as follows:

256.86 Competition with private sector.

1. It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations except as provided in this chapter.

2. a. The division may receive revenue for providing services, products, and usage of facilities and equipment if one or more of the following conditions are met:

(1) The service, product, or usage is not reasonably available in the private sector.

(2) The division can provide the service, product, or usage at a time, price, location, or terms that are not reasonably available through the private sector.

(3) The service, product, or usage is deemed by the division to be related to public service or the educational mission of the division.

b. The division may charge reasonable fees for providing services, products, and usage of facilities and equipment in accordance with paragraph "a", including but not limited to a reasonable equipment and facilities usage fee.

c. Fees charged in accordance with this subsection shall be deposited in the capital equipment replacement revolving fund created pursuant to section 256.87.

3. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code.

4. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 9. Section 256.87, Code 2011, is amended to read as follows:

256.87 Costs and fees — capital equipment replacement revolving fund.

~~1. The board may provide nonecommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations, and may collect the costs of providing the services from the public agency, corporation, association, or organization, plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.~~

~~2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the Δ capital equipment replacement revolving fund is created in the state treasury. The revolving fund shall be administered by the board and shall consist of moneys collected by the division as fees and any other moneys obtained or accepted by the division for deposit in the revolving fund.~~

2. The board may expend moneys from the capital equipment replacement revolving fund to update facilities and purchase technical equipment for operating the educational radio and television facility its operations.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revolving fund shall be credited to the revolving fund. Notwithstanding section 8.33, moneys in the revolving fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any other fund but shall remain available in the revolving fund for the purposes designated.

Sec. 10. Section 261.19, subsection 3, Code Supplement 2011, is amended to read as follows:

3. A health care professional recruitment revolving fund is created in the state treasury as a separate fund under the control of the commission for deposit of moneys

~~appropriated to or received by the commission for use under the program. The commission shall deposit payments made by health care professional recruitment program recipients and the proceeds from the sale of osteopathic loans awarded pursuant to section 261.19, subsection 2, paragraph "b", Code 2011, into the health care professional recruitment revolving fund. Moneys credited to the fund shall be used to supplement moneys appropriated for the health care professional recruitment program, for loan repayment in accordance with this section, and to pay for loan or interest repayment defaults by program recipients. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain in the fund and be continuously available for loan forgiveness under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.~~

Sec. 11. Section 261.25, subsections 1 and 2, Code Supplement 2011, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-three~~ forty-five million five hundred thirteen thousand four hundred forty-eight dollars for tuition grants.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~four~~ two million dollars for tuition grants for students attending for-profit accredited private institutions located in Iowa. A for-profit institution which, effective March 9, 2005, or effective January 8, 2010, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an eligible institution under the tuition grant program. For purposes of the tuition grant program, "*for-profit accredited private institution*" means an accredited private institution which is not exempt from taxation under section 501(c)(3) of the Internal Revenue Code but which otherwise meets the requirements of section 261.9, subsection 1, paragraph "b", and whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003.

Sec. 12. **NEW SECTION. 268.7 Science, technology, engineering, and mathematics collaborative initiative.**

1. A science, technology, engineering, and mathematics collaborative initiative is established at the university of northern Iowa for purposes of supporting activities directly related to recruitment of prekindergarten through grade twelve mathematics and science teachers for ongoing mathematics and science programming for students enrolled in prekindergarten through grade twelve.

2. The collaborative initiative shall prioritize student interest in achievement in science, technology, engineering, and mathematics; reach every student and teacher in every school district in the state; identify, recruit, prepare, and support the best mathematics and science teachers; and sustain exemplary programs through the university's Iowa mathematics and science education partnership. The university shall collaborate with the community colleges to develop science, technology, engineering, and mathematics professional development programs for community college instructors and for purposes of science, technology, engineering, and mathematics curricula development.

3. Subject to an appropriation of funds by the general assembly, the initiative shall administer the following:

a. Regional science, technology, engineering, and mathematics networks for Iowa, the purpose of which is to equalize science, technology, engineering, and mathematics education enrichment opportunities available to learners statewide. The initiative shall establish six geographically similar regional science, technology, engineering, and mathematics networks across Iowa that complement and leverage existing resources, including but not limited to extension service assets, area education agencies, state

accredited postsecondary institutions, informal educational centers, school districts, economic development zones, and existing public and private science, technology, engineering, and mathematics partnerships. Each network shall be managed by a highly qualified science, technology, engineering, and mathematics advocate positioned at a network hub to be determined through a competitive application process. Oversight for each regional network shall be provided by a regional advisory board. Members of the board shall be appointed by the governor. The membership shall represent prekindergarten through grade twelve school districts and schools, and higher education, business, nonprofit organizations, youth agencies, and other appropriate stakeholders.

b. A focused array of the best science, technology, engineering, and mathematics enrichment opportunities, selected through a competitive application process, that can be expanded to meet future needs. A limited, focused list of selected exemplary programs shall be made available to each regional network.

c. Statewide science, technology, engineering, and mathematics programming designed to increase participation of students and teachers in successful learning experiences; to increase the number of science, technology, engineering, and mathematics-related teaching majors offered by the state's universities; to elevate public awareness of the opportunities; and to increase collaboration and partnerships.

4. The initiative shall evaluate the effectiveness of programming to document best practices.

Sec. 13. Section 284.13, subsection 1, paragraphs a, b, c, and d, Code Supplement 2011, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013, to the department of education, the amount of ~~six~~ five hundred eighty-five thousand dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013, an amount up to two million ~~three~~ four hundred ~~ninety-five~~ sixty-three thousand ~~one~~ five hundred ~~fifty-seven~~ ninety dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013, up to six hundred thousand dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "c", and the evaluator training program in

section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

d. For the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013, an amount up to one million one hundred ~~four~~ thirty-six thousand ~~eight~~ four hundred ~~forty-three~~ ten dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

Sec. 14. REPEAL. 2011 Iowa Acts, chapter 132, section 99, is repealed.

Sec. 15. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending 2011 Iowa Acts, chapter 132, section 7, subsection 1, paragraph a, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

WORKER TRAINING PROGRAMS IN COMMUNITY COLLEGES

Sec. 16. Section 84A.6, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department of workforce development, in consultation with the college student aid commission, shall issue a quarterly report identifying industries in which the department finds a shortage of skilled workers in this state for the purposes of the skilled workforce shortage tuition grant program established in section 261.130.

Sec. 17. Section 260C.18A, subsection 2, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Development and implementation of the national career readiness certificate and the skills certification system endorsed by the national association of manufacturers.

Sec. 18. Section 260I.2, Code Supplement 2011, is amended to read as follows:

260I.2 Gap tuition assistance program — fund.

1. A gap tuition assistance program is established to provide funding to community colleges for need-based tuition assistance to applicants to enable completion of continuing education certificate training programs for in-demand occupations.

2. a. There is established for the community colleges a gap tuition assistance fund in the state treasury to be administered by the department of education. The funds in the gap tuition assistance fund are appropriated to the department of education for the gap tuition assistance program.

b. The aggregate total of grants awarded from the gap tuition assistance fund during a fiscal year shall not be more than two million dollars.

c. Moneys in the fund shall be allocated pursuant to the formula established in section 260C.18C. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the purpose designated for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 19. Section 260I.7, Code Supplement 2011, is amended to read as follows:

260I.7 Initial assessment.

An applicant for tuition assistance under this chapter shall complete an initial assessment administered by the community college receiving the application to determine the applicant's readiness to complete an eligible certificate program. The assessment shall include assessments for completion of a national career readiness certificate, including the areas of reading for information, applied mathematics, and

locating information. ~~An applicant must achieve a bronze level certificate or the minimum score required for an eligible certificate program, whichever is higher, in order to be approved for tuition assistance.~~ An applicant shall complete any additional assessments and occupational research required by an eligible certificate program.

Sec. 20. NEW SECTION. 261.130 Skilled workforce shortage tuition grant program.

1. A skilled workforce shortage tuition grant may be awarded to any resident of Iowa who is admitted and in attendance as a full-time or part-time student in a career-technical or career option program to pursue an associate's degree or other training at a community college in the state, and who establishes financial need.

2. Skilled workforce shortage tuition grants shall be awarded only to students pursuing a career-technical or career option program in an industry identified as having a shortage of skilled workers by a community college after conducting a regional skills gap analysis or by the department of workforce development in the department's most recent quarterly report pursuant to section 84A.6, subsection 4.

3. The amount of a skilled workforce shortage tuition grant shall not exceed the lesser of one-half of a student's tuition and fees for an approved career-technical or career option program or the amount of the student's established financial need.

4. All classes identified by the community college as required for completion of the student's approved career-technical or career option program shall be considered a part of the student's career-technical or career option program for the purpose of determining the student's eligibility for a grant. Notwithstanding subsection 5, if a student is making satisfactory academic progress but the student cannot complete a career-technical or career option program in the time frame allowed for a student to receive a skilled workforce shortage tuition grant as provided in subsection 5 because additional classes are required to complete the program, the student may continue to receive a skilled workforce shortage tuition grant for not more than one additional enrollment period.

5. *a.* A qualified full-time student may receive skilled workforce shortage tuition grants for not more than four semesters or the trimester or quarter equivalent of two full years of study. A qualified part-time student enrolled in a course of study including at least three semester hours but fewer than twelve semester hours or the trimester or quarter equivalent may receive skilled workforce shortage tuition grants for not more than eight semesters or the trimester or quarter equivalent of two full years of full-time study.

b. However, if a student resumes study after at least a two-year absence, the student may again be eligible for the specified amount of time, except that the student shall not receive assistance for courses for which credit was previously received.

6. A skilled workforce shortage tuition grant shall be awarded on an annual basis, requiring reapplication by the student for each year. Payments under the grant shall be allocated equally among the semesters or quarters of the year upon certification by the community college that the student is in full-time or part-time attendance in a career-technical or career option program consistent with the requirements of this section. If the student discontinues attendance before the end of any term after receiving payment of the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the community college to the state.

7. If a student receives financial aid under any other program, the full amount of that financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period.

8. The commission shall administer this program and shall:

a. Provide application forms for distribution to students by Iowa high schools and

community colleges.

b. Adopt rules for approving career-technical or career option programs in industries identified by the department of workforce development pursuant to section 84A.6, subsection 4; determining financial need; defining residence for the purposes of this section; processing and approving applications for grants; and determining priority for grants.

c. Approve and award grants on an annual basis.

d. Make an annual report to the governor and general assembly. The report shall include the number of students receiving assistance and the industries identified by the community colleges and by the department of workforce development pursuant to section 84A.6, subsection 4, for which students were admitted to a career-technical or career option program.

9. Each applicant, in accordance with the rules established by the commission, shall:

a. Complete and file an application for a skilled workforce shortage tuition grant.

b. Be responsible for the submission of the financial information required for evaluation of the applicant's need for a grant, on forms determined by the commission.

c. Report promptly to the commission any information requested.

d. Submit a new application for reevaluation of the applicant's eligibility to receive a second-year renewal of the grant.>

On the part of the Senate:

BRIAN SCHOENJAHN, Chair
WALLY E. HORN
HERMAN C. QUIRMBACH

On the part of the House:

CECIL DOLECHECK, Chair
PETER COWNIE
RON JORGENSEN
NATE WILLEMS
CINDY WINCKLER

SENATE FILE 2336

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2336, a bill for an Act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5221.

2. That Senate File 2336, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

<DIVISION I

DEPARTMENT ON AGING

Section 1. 2011 Iowa Acts, chapter 129, section 113, is amended to read as follows:

SEC. 113. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for

frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,151,288
.....		10,342,086
.....	FTEs	35.00 36.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

~~2. The amount appropriated in this section includes additional funding of \$225,000 for delivery of long term care services to seniors with low or moderate incomes.~~

3. Of the funds appropriated in this section, ~~\$89,973~~ \$179,946 shall be transferred to the ~~department of~~ economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

- (1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.
- (2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.
- (3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.
- (4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

5. Of the funds appropriated in this section, \$100,000 shall be used to provide an additional local long-term care resident's advocate to administer the certified volunteer long-term care resident's advocate program pursuant to section 231.45 as enacted in this 2012 Act.

6. The department shall develop recommendations for an implementation schedule, including funding projections, for the substitute decision maker program created pursuant to chapter 231E, and shall submit the recommendations to the individuals identified in this Act for submission of reports by December 15, 2012.

7. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under the purview of the department.

DIVISION II
DEPARTMENT OF PUBLIC HEALTH

Sec. 2. 2011 Iowa Acts, chapter 129, section 114, is amended to read as follows:

SEC. 114. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	<u>11,751,595</u>
.....		<u>23,863,690</u>
.....	FTEs	13.00

a. (1) Of the funds appropriated in this subsection, ~~\$1,626,915~~ \$3,653,830 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative. Of the funds allocated in this subparagraph (1), \$750,000 shall be used for support of Quitline Iowa.

(2) (a) Of the funds allocated in this paragraph "a", ~~\$226,915~~ \$453,830 shall be transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances in accordance with 2011 Iowa Acts, ~~House File 467, as enacted chapter 63.~~

(b) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the terms of a chapter 28D agreement, entered into between the division of tobacco use prevention and control of the department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under eighteen years of age, shall restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, ~~\$10,124,680~~ \$20,249,360 shall be used for problem gambling and substance abuse prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph "b", ~~\$8,566,254~~ \$17,132,508 shall be used for substance abuse prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), ~~\$440,650~~ \$899,300 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), ~~\$213,769~~ \$427,539 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), ~~\$213,419~~ \$426,839 shall be used for grant funding for organizations that provide programming that

includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to ~~\$22,461~~ \$44,922 may be used to administer substance abuse prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), ~~\$136,531~~ \$273,062 shall be used for culturally competent substance abuse treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph "b", up to ~~\$1,558,426~~ \$3,116,852 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), ~~\$1,289,500~~ \$2,579,000 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to ~~\$218,926~~ \$437,852 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to ~~\$50,000~~ \$100,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance abuse treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance abuse and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance abuse and problem gambling treatment shall include substance abuse prevention by July 1, 2014.

(3) Of the funds allocated in paragraph "b", the department may use up to ~~\$50,000~~ \$100,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2012.

e. The department of public health shall work with all other departments that

fund substance abuse prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance abuse services as required under the federal substance abuse prevention and treatment block grant.

f. The department shall amend or otherwise revise departmental policies and contract provisions in order to eliminate free t-shirt distribution, banner production, and other unnecessary promotional expenditures.

g. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	1,297,135
.....		<u>2,603,559</u>
.....	FTEs	10.00

a. Of the funds appropriated in this subsection, not more than ~~\$369,659~~ \$739,318 shall be used for the healthy opportunities to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2012.

Ob. (1) In order to implement the legislative intent stated in sections 135.106 and 256L.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase-in the funding priority as follows:

(a) By July 1, 2013, 25 percent of state funds expended for home visiting programs are for evidence-based or promising program models.

(b) By July 1, 2014, 50 percent of state funds expended for home visiting programs are for evidence-based or promising program models.

(c) By July 1, 2015, 75 percent of state funds expended for home visiting programs are for evidence-based or promising program models.

(d) By July 1, 2016, 90 percent of state funds expended for home visiting programs are for evidence-based or promising program models. The remaining 10 percent of funds may be used for innovative program models that do not yet meet the definition of evidence-based or promising programs.

(2) For the purposes of this lettered paragraph, unless the context otherwise requires:

(a) "Evidence-based program" means a program that is based on scientific evidence demonstrating that the program model is effective. An evidence-based program shall be reviewed onsite and compared to program model standards by the model developer or the developer's designee at least every five years to ensure that the program continues to maintain fidelity with the program model. The program model shall have had demonstrated significant and sustained positive outcomes in an evaluation utilizing a well-designed and rigorous randomized controlled research design or a quasi-experimental research design, and the evaluation results shall have been published in a peer-reviewed journal.

(b) "Family support programs" includes group-based parent education or home visiting programs that are designed to strengthen protective factors, including parenting skills, increasing parental knowledge of child development, and increasing family functioning and problem solving skills. A family support program may be used as an early intervention strategy to improve birth outcomes, parental knowledge,

family economic success, the home learning environment, family and child involvement with others, and coordination with other community resources. A family support program may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

(c) "Promising program" means a program that meets all of the following requirements:

(i) The program conforms to a clear, consistent family support model that has been in existence for at least three years.

(ii) The program is grounded in relevant empirically-based knowledge.

(iii) The program is linked to program-determined outcomes.

(iv) The program is associated with a national or state organization that either has comprehensive program standards that ensure high-quality service delivery and continuous program quality improvement or the program model has demonstrated through the program's benchmark outcomes that the program has achieved significant positive outcomes equivalent to those achieved by program models with published significant and sustained results in a peer-reviewed journal.

(v) The program has been awarded the Iowa family support credential and has been reviewed onsite at least every five years to ensure the program's adherence to the Iowa family support standards approved by the early childhood Iowa state board created in section 2561.3 or a comparable set of standards. The onsite review is completed by an independent review team that is not associated with the program or the organization administering the program.

(3) (a) The data reporting requirements applicable to the HOPES-HFI program services shall include the requirements adopted by the early childhood Iowa state board pursuant to section 2561.4 for the family support programs targeted to families expecting a child or with newborn and infant children through age five and funded through the state board. The department of public health may specify additional data reporting requirements for the HOPES-HFI program services. The HOPES-HFI program services shall be required to participate in a state administered internet-based data collection system by July 1, 2013. The annual reporting concerning the HOPES-HFI program services shall include program outcomes beginning with the 2015 report.

(b) The data on families served that is collected by the HOPES-HFI program shall include but is not limited to basic demographic information, services received, funding utilized, and program outcomes for the children and families served.

(c) The HOPES-HFI program shall work with the early childhood Iowa state board in the state board's efforts to identify minimum competency standards for the employees and supervisors of family support programs funded. The HOPES-HFI program, along with the state board, shall submit recommendations concerning the standards to the governor and general assembly on or before January 1, 2014.

(d) On or before January 1, 2013, the HOPES-HFI program shall adopt criminal and child abuse record check requirements for the employees and supervisors of family support programs funded through the program.

(e) The HOPES-HFI program shall work with the early childhood Iowa state board in the state board's efforts to develop a plan to implement a coordinated intake and referral process for publicly funded family support programs in order to engage the families expecting a child or with newborn and infant children through age five in all communities in the state by July 1, 2015.

b. Of the funds appropriated in this subsection, ~~\$164,942~~ ~~\$329,885~~ shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for

children. The department shall work with the department of human services, Iowa Medicaid enterprise, to develop a plan to secure matching medical assistance program funding to provide services under this paragraph, which may include a per member per month payment to reimburse the care coordination and community outreach services component that links young children and their families with identified service needs.

c. Of the funds appropriated in this subsection, ~~\$15,798~~ \$31,597 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, ~~\$56,338~~ \$112,677 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, ~~\$81,880~~ \$163,760 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

f. Of the funds appropriated in this subsection, \$25,000 shall be transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral health, to provide dental care to underserved populations throughout the state.

g. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	<u>1,680,828</u>
.....		<u>3,905,429</u>
.....	FTEs	4.00

a. Of the funds appropriated in this subsection, ~~\$80,294~~ \$160,582 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, ~~\$241,800~~ \$483,600 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, ~~\$249,437~~ \$550,000 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, ~~\$15,627~~ \$50,000 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, ~~\$394,151~~ \$788,303 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, ~~\$248,533~~ \$497,065 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this lettered paragraph, ~~\$75,000~~ \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, ~~\$63,225~~ \$126,450 shall be used for cervical and colon cancer screening, and \$500,000 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

h. Of the funds appropriated in this subsection, ~~\$264,417~~ \$523,834 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, ~~\$64,968~~ \$129,937 shall be used for the prescription drug donation repository program created in chapter 135M.

i. No later than December 15, 2012, the department of public health, in collaboration with the department of education and other interested parties, shall develop guidelines for the management of chronic conditions that affect children to be made available to public schools and accredited nonpublic schools throughout the state.

k. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	<u>2,117,583</u>
.....		<u>4,869,980</u>
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, ~~\$50,000~~ \$100,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the year of the program's implementation including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, ~~\$55,654~~ \$111,308 is allocated for continuation of an initiative implemented at the university of Iowa and ~~\$50,246~~ \$100,493 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, ~~\$585,745~~ \$1,171,491 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, ~~\$60,998~~ \$100,000 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, ~~\$72,271~~ \$144,542 shall be used for the mental health professional shortage area program implemented pursuant to section ~~135.80~~ 135.180.

f. Of the funds appropriated in this subsection, ~~\$19,131~~ \$38,263 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage

areas, as defined in section ~~135.80~~ 135.180.

g. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... \$ ~~66,200~~
146,563

(1A) For distribution to the Iowa primary care association to be used to establish a grant program for training sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel:

..... \$ 50,000

(1B) For distribution to federally qualified health centers for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 75,000

(2) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ ~~38,804~~
77,609

(3) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ ~~38,804~~
95,582

(4) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ ~~62,025~~
274,050

(5) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ ~~55,215~~
142,192

(6) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ ~~130,000~~
310,000

(7) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ ~~135,000~~
320,000

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h. (1) Of the funds appropriated in this subsection, ~~\$74,500~~ \$149,000 shall be used for ~~continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report~~

~~submitted to the governor and the general assembly in December 2006~~ continuation of the work of the direct care worker advisory council established pursuant to 2008 Iowa Acts, chapter 1188, section 69, in implementing the recommendations in the final report submitted by the advisory council to the governor and the general assembly in March 2012. The department may use a portion of the funds allocated in this ~~lettered paragraph~~ subparagraph (1) for an additional position to assist in the continued implementation.

i. (1) Of the funds appropriated in this subsection, ~~\$65,050~~ \$150,000 shall be used for allocation to an independent statewide direct care worker association under ~~a~~ continuation of the contract in effect during the fiscal year ending June 30, 2012, with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, ~~\$29,000~~ \$75,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to ~~\$29,259~~ \$58,518 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, ~~\$25,000~~ \$50,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

l. Of the funds appropriated in this subsection, \$105,823 shall be transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.115, as enacted by 2012 Iowa Acts, House File 2458, to be used for the purposes of the fund.

m. Of the funds appropriated in this subsection, \$50,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

n. Of the funds appropriated in this subsection, \$50,000 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "n". The report shall include the objectives and results for the year of the program's implementation including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

o. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... \$ 3,648,571
7,297,142

a. Of the funds appropriated in this subsection, ~~\$1,004,593~~ \$2,009,187 shall be

used for local public health nursing services.

b. Of the funds appropriated in this subsection, ~~\$2,643,977~~ \$5,287,955 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	<u>406,888</u>
.....		<u>803,870</u>
.....	FTEs	4.00

Of the funds appropriated in this subsection, ~~\$272,188~~ \$544,377 shall be used for childhood lead poisoning provisions.

b. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	<u>672,923</u>
.....		<u>1,335,155</u>
.....	FTEs	4.00

The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	<u>1,388,116</u>
.....		<u>2,779,127</u>
.....	FTEs	125.00

a. Of the funds appropriated in this subsection, not more than ~~\$235,845~~ \$471,690 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, ~~\$105,300~~ \$210,619 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, not more than ~~\$218,291~~ \$539,477 shall be used for the state poison control center.

d. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	<u>409,777</u>
.....		<u>804,054</u>
.....	FTEs	7.00

a. The department shall review the operations of boards including professional licensing boards, commissions, committees, councils and other entities within the departmental organization and under the purview of the department and shall submit recommendations to increase efficiencies and reduce duplication of their operations to the individuals specified in this Act for submission of reports by December 15, 2012.

b. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing budgeted for under this subsection.

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DIVISION III
DEPARTMENT OF VETERANS AFFAIRS

Sec. 3. 2011 Iowa Acts, chapter 129, section 115, is amended to read as follows:

SEC. 115. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

.....	\$	499,416
.....		<u>1,025,819</u>
.....	FTEs	16.34

The treasurer of state shall review the return on investment of the moneys in the veterans trust fund and shall submit findings and recommendations for improving the return to the individuals specified in this Act for submission of reports by December 17, 2012.

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	4,476,075
.....		<u>8,025,714</u>

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

e. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this subsection.

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

	\$ 6,208
	<u>12,416</u>

4. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:

	\$ 1,600,000
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Sec. 4. 2011 Iowa Acts, chapter 129, section 116, is amended to read as follows:

SEC. 116. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

	\$ 495,000
	<u>990,000</u>

DIVISION IV

DEPARTMENT OF HUMAN SERVICES

Sec. 5. 2011 Iowa Acts, chapter 129, section 117, is amended to read as follows:

SEC. 117. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT.

There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, and from moneys received under the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

	\$ 10,750,369
	<u>19,790,365</u>

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

	\$ 6,205,764
	<u>12,411,528</u>

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

	\$ 1,440,400
	<u>2,898,980</u>

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2013, the moneys shall revert.

4. For field operations:

	\$ 15,648,116
	<u>31,296,232</u>

5. For general administration:	\$	<u>1,872,000</u>
.....		<u>3,744,000</u>
6. For state child care assistance:		
.....	\$	<u>8,191,343</u>
		<u>16,382,687</u>

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made pursuant to 2011 Iowa Acts, chapter 126, section 32, by the Eighty-fourth General Assembly, ~~2012~~ 2011 Session, for the federal fiscal year beginning October 1, 2012, and ending September 30, 2013. Of this amount, ~~\$100,000~~ \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For distribution to counties for state case services for persons with mental health and illness, an intellectual disability, or a developmental disabilities community services disability in accordance with section 331.440:

.....	\$	<u>2,447,026</u>
		<u>4,894,052</u>
8. For child and family services:		
.....	\$	<u>16,042,215</u>
		<u>32,084,430</u>
9. For child abuse prevention grants:		
.....	\$	<u>62,500</u>
		<u>125,000</u>

10. For pregnancy prevention grants on the condition that family planning services are funded:

.....	\$	<u>965,033</u>
		<u>1,930,067</u>

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2012, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2012, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

.....	\$	<u>518,593</u>
		<u>1,037,186</u>

12. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas as provided in section 256I.11:

.....	\$	<u>3,175,000</u>
		<u>6,350,000</u>

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2011 or 2012 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the ~~emergency contingency fund~~ for temporary assistance for needy families ~~state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, block grant~~ received by the state ~~during the fiscal year beginning July 1, 2011, and ending June 30, 2012,~~ not otherwise appropriated in this section and remaining available ~~as of for the fiscal year beginning July 1, 2012, and received by the state during the fiscal year beginning July 1, 2012, and ending June 30, 2013,~~ are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program for the fiscal year and for state child care assistance program payments for individuals enrolled in the family investment program who are employed. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program under chapter 239B have been expended.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

14. Of the amounts appropriated in this section, ~~\$6,481,004~~ \$12,962,008 for the fiscal year beginning July 1, 2012, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. For continuation of the program allowing the department to maintain categorical eligibility for the food assistance program as required under the section of this division relating to the family investment account:

..... \$ 73,036
25,000

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 6. 2011 Iowa Acts, chapter 129, section 118, is amended to read as follows:
SEC. 118. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 10,000
20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,671,417
5,542,834

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2012-2013.

c. For the diversion subaccount of the FIP account:

..... \$ 840,200
1,698,400

A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

d. For the food stamp employment and training program:

..... \$ 33,294
66,588

(1) The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50-50 match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 10,117,952
20,235,905

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal

maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 7. 2011 Iowa Acts, chapter 129, section 119, is amended to read as follows:

SEC. 119. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

.....	\$	<u>25,085,513</u>
		<u>48,397,214</u>

1. Of the funds appropriated in this section, ~~\$3,912,188~~ \$7,824,377 is allocated for the JOBS program.

2. Of the funds appropriated in this section, ~~\$1,231,927~~ \$2,663,854 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2012, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. ~~MH/MR/DD/BI community services (local purchase). For distribution to counties for state case services for persons with mental illness, an intellectual disability, or a developmental disability in accordance with section 331.440.~~

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, ~~\$97,839~~ \$195,678 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, \$500,000 shall be used for distribution to a nonprofit, tax-exempt association that receives donations under section 170 of the Internal Revenue Code and whose members include Iowa food banks and their affiliates that together serve all counties in the state, to be used to purchase

food for distribution to food-insecure Iowans.

6. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this section.

7. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section and the overall family investment program.

Sec. 8. 2011 Iowa Acts, chapter 129, section 120, is amended to read as follows:

SEC. 120. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,559,627
.....		13,149,541
.....	FTEs	475.00

1. The department shall expend up to ~~\$12,164~~ \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2012, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2012, and ending June 30, 2013. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2013.

5. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing budgeted for under this section.

MEDICAL ASSISTANCE — DISPROPORTIONATE SHARE HOSPITAL

Sec. 9. 2011 Iowa Acts, chapter 129, section 122, subsection 11, paragraph a, unnumbered paragraph 1, is amended to read as follows:

Of the funds appropriated in this section, ~~\$7,425,684~~ \$7,678,245 is allocated for the state match for a disproportionate share hospital payment of \$19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal

share for a disproportionate share hospital payment of \$7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

MEDICAL ASSISTANCE — IOWACARE TRANSFER

Sec. 10. 2011 Iowa Acts, chapter 129, section 122, subsection 13, is amended to read as follows:

13. Of the funds appropriated in this section, up to ~~\$4,480,304~~ \$8,684,329 may be transferred to the IowaCare account created in section 249J.24.

MEDICAL ASSISTANCE — COST CONTAINMENT STRATEGIES

Sec. 11. 2011 Iowa Acts, chapter 129, section 122, subsection 20, paragraphs a and d, are amended to read as follows:

a. The department may continue to implement cost containment strategies recommended by the governor, ~~and for the fiscal year beginning July 1, 2011, and shall implement new strategies for the fiscal year beginning July 1, 2012, as specified in this division of this 2012 Act. It is the intent of the general assembly that the cost containment strategies are implemented only to the extent necessary to achieve projected savings.~~ The department may adopt emergency rules for such implementation.

d. If the savings to the medical assistance program for the fiscal year beginning July 1, 2012, exceed the cost, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive Order No. 20, issued December 16, 2009, or cost containment strategies initiated pursuant to this subsection, to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

Sec. 12. 2011 Iowa Acts, chapter 129, section 122, is amended by adding the following new subsections:

NEW SUBSECTION. 23. The department shall provide reimbursement for physician-administered drugs at the rates in effect on June 30, 2012, less 2 percent, in order to approximate payment at the average wholesale price, less 12 percent.

NEW SUBSECTION. 24. The department shall implement a hospital inpatient reimbursement policy to provide for the combining of an original claim for an inpatient stay with a claim for a subsequent inpatient stay when the patient is admitted within seven days of discharge from the original hospital stay for the same condition.

NEW SUBSECTION. 25. The department shall transition payment for and administration of services provided by psychiatric medical institutions for children to the Iowa plan.

NEW SUBSECTION. 26. The department shall adjust medical assistance reimbursement rates for physician services by applying a site-of-service differential to reflect the difference between the cost of physician services when provided in a health facility setting and the cost of physician services when provided in a physician's office. The adjustment shall be applied in a manner that does not exceed \$1 million in medical assistance program cost savings annually.

NEW SUBSECTION. 27. The department shall apply any edits to Medicare claims submitted for reimbursement under the medical assistance program as necessary to ensure claims payment accuracy and to avoid overpayments, consistent with the existing medical assistance program reimbursement policy for such Medicare claims.

NEW SUBSECTION. 28. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs

under this section.

MEDICAL ASSISTANCE FOR EMPLOYED PEOPLE WITH DISABILITIES

Sec. 13. 2011 Iowa Acts, chapter 129, section 122, is amended by adding the following new subsection:

NEW SUBSECTION. 29. The department of human services shall adopt rules for the Medicaid for employed people with disabilities program to provide that until such time as the department adopts rules, annually, to implement the most recently revised poverty guidelines published by the United States department of health and human services, the calculation of gross income eligibility and premium amounts shall not include any increase in unearned income attributable to a social security cost-of-living adjustment for an individual or member of the individual's family whose unearned income is included in such calculation.

STATE BALANCING INCENTIVE PAYMENTS PROGRAM

Sec. 14. 2011 Iowa Acts, chapter 129, section 122, is amended by adding the following new subsection:

NEW SUBSECTION. 30. a. The funds received through participation in the medical assistance state balancing incentive payments program created pursuant to section 10202 of the federal Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148 (2010), as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, shall be used by the department of human services to comply with the requirements of the program including developing a no wrong door single entry point system; providing a conflict-free case management system; providing core standardized assessment instruments; complying with data collection requirements relating to services, quality, and outcomes; meeting the applicable target spending percentage required under the program to rebalance long-term care spending under the medical assistance program between home and community-based services and institution-based services; and for new or expanded medical assistance program non-institutionally based long-term care services and supports.

b. The department shall convene stakeholders to provide an ongoing advisory process to ensure that implementation is accomplished in a coordinated and integrated manner and without duplication. The department shall submit periodic progress reports regarding implementation to the individuals identified in this Act for submission of reports.

IOWACARE LODGING

Sec. 15. 2011 Iowa Acts, chapter 129, section 122, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Of the funds appropriated in this section, \$250,000 shall be used for lodging expenses associated with patient care provided at the university of Iowa hospitals and clinics under chapter 249J. The department of human services shall establish the maximum number of overnight stays and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated under this subsection shall not be used as nonfederal share matching funds.

OUTPATIENT CLINICAL SERVICE FOR CHILDREN

Sec. 16. 2011 Iowa Acts, chapter 129, section 122, is amended by adding the following new subsection:

NEW SUBSECTION. 32. a. Of the funds appropriated in this section, not more than \$37,000 shall be used to provide cost-based reimbursement for 100 percent of the reasonable costs for provision of outpatient clinical services for children who are recipients of medical assistance. In order to be eligible for reimbursement under this subsection, a provider shall be an accredited, nonprofit agency that meets all of the

following criteria on or before January 1, 2012:

(1) Provides clinical outpatient services to children of whom at least 60 percent are recipients of medical assistance.

(2) Provides inpatient services licensed under chapter 135H, outpatient services, psychiatric and psychological services, and behavioral health intervention services for children.

(3) Directly employs a full-time psychiatrist, psychologist, and licensed therapist.

b. The department of human services shall seek federal approval to amend the medical assistance program state plan and shall amend the contract with the department’s managed care contractor for behavioral health services under the medical assistance program to provide reimbursement as specified in this subsection. Implementation of this subsection is contingent upon receipt of such federal approval and total reimbursements are limited to the funding allocated under this subsection.

c. For the purposes of this subsection, “outpatient services” means psychiatric care, psychological care, and treatment services, but does not include behavioral health intervention services or child welfare services as defined for existing providers under the department’s managed care contract for behavioral health services.

Sec. 17. 2011 Iowa Acts, chapter 129, section 123, is amended to read as follows:

SEC. 123. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

.....	\$	5,453,728
		<u>5,791,994</u>

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, ~~\$25,000~~ \$50,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to \$200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing budgeted for under this section.

Sec. 18. 2011 Iowa Acts, chapter 129, section 124, is amended to read as follows:

SEC. 124. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

.....	\$	8,425,273
		<u>15,450,747</u>

2. The department shall increase the personal needs allowance for residents of

residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2012, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 19. 2011 Iowa Acts, chapter 129, section 125, is amended to read as follows:

SEC. 125. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

.....	\$	<u>16,403,051</u>
		<u>36,806,102</u>

2. Of the funds appropriated in this section, ~~\$64,475~~ \$141,450 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 20. 2011 Iowa Acts, chapter 129, section 126, is amended to read as follows:

SEC. 126. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

.....	\$	<u>26,618,891</u>
		<u>62,264,342</u>

1. Of the funds appropriated in this section, ~~\$25,948,041~~ \$60,894,915 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, ~~\$216,226~~ \$432,453 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, ~~\$468,487~~ \$936,974 is allocated for child care quality improvement initiatives including but not limited to the voluntary

quality rating system in accordance with section 237A.30.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys ~~appropriated in this section or advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care,~~ or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

9. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, that shall be applied equitably to the programs under this section.

Sec. 21. 2011 Iowa Acts, chapter 129, section 127, is amended to read as follows:

SEC. 127. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>4,129,125</u>
.....		<u>8,297,765</u>
.....	FTEs	114.00

The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing budgeted for under this subsection.

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>5,310,338</u>
.....		<u>10,680,143</u>
.....	FTEs	164.30

a. Of the funds appropriated in this subsection, ~~\$45,575~~ \$91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

b. The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing budgeted for under this subsection.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2012.

Sec. 22. 2011 Iowa Acts, chapter 129, section 128, is amended to read as follows:

SEC. 128. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	<u>41,415,081</u>
.....		<u>81,231,561</u>

2. In order to address a reduction of \$5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to ~~\$2,600,000~~ \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for adoption subsidy to support the adjustment in reimbursement rates for specified child welfare providers as provided in this 2012 Act.

4. a. Of the funds appropriated in this section, up to ~~\$15,084,564~~ \$30,837,098 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2012, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that

service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2012-2013. Of the funds appropriated in this section, ~~\$858,876~~ \$1,717,753 is allocated specifically for expenditure for fiscal year 2012-2013 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to ~~\$3,585,058~~ \$6,870,116. The department may continue or execute contracts that result from the department's request for proposal, bid number ACFS-11-114, to provide the range of child welfare emergency services described in the request for proposals, and any subsequent amendments to the request for proposals.

8. Federal funds received by the state during the fiscal year beginning July 1, 2012, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

~~9. Of the funds appropriated in this section, at least \$1,848,142 shall be used for protective child care assistance.~~

10. a. Of the funds appropriated in this section, up to ~~\$1,031,244~~ \$2,062,488 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to ~~\$778,143~~ \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than ~~\$7,500~~ \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to ~~\$374,492~~ \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2012.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than ~~\$41,500~~ \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

11. Of the funds appropriated in this section, ~~\$2,061,301~~ \$6,022,602 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

12. Of the funds appropriated in this section, ~~\$494,142~~ \$1,288,285 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118. Of the amount allocated in this subsection, \$100,000 shall be used for a center for the Black Hawk county area.

13. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

14. Of the funds appropriated in this section, ~~\$1,534,916~~ \$3,092,375 is allocated for the preparation for adult living program pursuant to section 234.46.

15. Of the funds appropriated in this section, ~~\$260,075~~ \$520,150 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

a. Marshall county:	\$	<u>31,354</u>
		<u>62,708</u>
b. Woodbury county:	\$	<u>62,841</u>
		<u>125,682</u>
c. Polk county:	\$	<u>97,946</u>
		<u>195,892</u>

d. The third judicial district:

.....	\$	33,967
		<u>67,934</u>

e. The eighth judicial district:

.....	\$	33,967
		<u>67,934</u>

16. Of the funds appropriated in this section, ~~\$119,668~~ \$227,337 shall be used for the public purpose of ~~providing~~ continuing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

17. Of the funds appropriated in this section, ~~\$62,795~~ \$200,590 is allocated for the ~~elevate~~ foster care youth council approach of providing a support network to children placed in foster care.

18. Of the funds appropriated in this section, ~~\$101,000~~ \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

19. Of the funds appropriated in this section, ~~\$315,120~~ \$630,240 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, ~~\$185,625~~ \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

21. Of the funds appropriated in this section, ~~\$600,247~~ \$1,436,595 is allocated for funding of the ~~state match for~~ community circle of care collaboration for children and youth in northeast Iowa, formerly referred to as the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, at least ~~\$73,579~~ \$147,158 shall be used for the child welfare training academy.

23. Of the funds appropriated in this section, ~~\$12,500~~ \$25,000 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

23A. Of the funds appropriated in this section, \$25,000 shall be used for the public purpose of providing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across the lifespan. The grant recipient shall utilize the funds to implement a pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children's disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, 2012.

24. Of the funds appropriated in this section ~~\$125,000~~ \$327,947 shall be used for continuation of the central Iowa system of care program grant through June 30, 2013.

25. Of the funds appropriated in this section, ~~\$80,000~~ \$160,000 shall be used for the public purpose of the continuation of a system of care grant implemented in Cerro Gordo and Linn counties in accordance with this Act in FY 2011-2012.

26. Of the funds appropriated in this section, at least \$25,000 shall be used to continue and to expand the foster care respite pilot program in which postsecondary students in social work and other human services-related programs receive experience by assisting family foster care providers with respite and other support.

27. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing, and shall be applied equitably to the programs under this section.

Sec. 23. 2011 Iowa Acts, chapter 129, section 129, is amended to read as follows:

SEC. 129. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

.....	\$	<u>16,633,205</u>
		<u>36,788,576</u>

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for child and family services to support the adjustment in reimbursement rates for specified child welfare providers as provided in this 2012 Act.

3. Federal funds received by the state during the fiscal year beginning July 1, 2012, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 24. 2011 Iowa Acts, chapter 129, section 131, is amended to read as follows:

SEC. 131. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

.....	\$	<u>583,999</u>
		<u>1,096,784</u>

2. The department shall use at least ~~\$192,750~~ \$385,500 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than ~~\$12,500~~ \$25,000 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 25. 2011 Iowa Acts, chapter 129, section 132, is amended to read as follows:

SEC. 132. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4–86–CV–30871(S.D. Iowa, July 14, 1994):
..... \$ 16,811
33,622

Sec. 26. 2011 Iowa Acts, chapter 129, section 133, is amended to read as follows:

SEC. 133. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 2,038,654
5,535,738
..... FTEs 168.50

The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the mental health institute.

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 3,205,867
6,442,688
..... FTEs 86.10

The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the mental health institute.

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 5,137,842
9,738,520
..... FTEs 233.00

The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the mental health institute.

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 472,161
885,459
..... FTEs 97.72

The amount appropriated in this subsection reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the mental health institute.

Sec. 27. 2011 Iowa Acts, chapter 129, section 134, is amended to read as follows:

SEC. 134. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

	\$	9,253,000
		<u>18,866,116</u>

The amount appropriated in this paragraph "a" reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the state resource center.

- b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

	\$	6,392,829
		<u>13,033,115</u>

The amount appropriated in this paragraph "b" reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the state resource center.

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2012-2013.

Sec. 28. 2011 Iowa Acts, chapter 129, section 137, is amended to read as follows:

SEC. 137. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-

time equivalent positions:

.....	\$	3,775,363
.....		8,899,686
.....	FTEs	89.50
		<u>115.50</u>

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

3. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing budgeted for under this section.

Sec. 29. 2011 Iowa Acts, chapter 129, section 138, is amended to read as follows:

SEC. 138. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

.....	\$	27,394,960
.....		61,636,313
.....	FTEs	1,781.00

1. Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

2. The amount appropriated in this section reflects a reduction in expenditures for office supplies, purchases of equipment, office equipment, printing and binding, and marketing under the purview of the department.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 30. 2011 Iowa Acts, chapter 129, section 139, is amended to read as follows:

SEC. 139. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,298,372
.....		16,100,684
.....	FTEs	285.00
		<u>295.00</u>

1. Of the funds appropriated in this section, ~~\$19,271~~ \$38,543 allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

3. Of the funds appropriated in this section, ~~\$66,150~~ \$132,300 shall be used to continue the contract for the provision of a program to provide technical assistance,

support, and consultation to providers of habilitation services and home and community-based services waiver services for adults with disabilities under the medical assistance program.

4. Of the funds appropriated in this section, ~~\$\$8,200~~ \$176,400 shall be used to continue the contract to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers.

5. ~~Of the funds appropriated in this section, \$250,000 shall be used for continuation of child protection system improvements addressed in 2011 Iowa Acts, House File 562, as enacted.~~

6. Of the funds appropriated in this section, not more than \$463,000 shall be used by the department of human services to pay the costs for appropriate placement of any individual who is placed in a transitional release program under chapter 229A or is discharged from commitment as a sexually violent predator under chapter 229A because the individual is in need of medical treatment. The department of human services shall implement this subsection in cooperation with the department of corrections and any judicial district department of correctional services involved with such an individual. The requirements of this subsection apply in lieu of the requirements of the judicial district departments of correctional services under 2011 Iowa Acts, chapter 134, section 34, subsection 1A, if enacted by 2012 Iowa Acts, House File 2335.

7. Of the funds appropriated in this section, \$50,000 shall be transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.100A and for the council to fulfill its duties in addressing and reducing homelessness in the state.

8. Of the funds appropriated in this section, \$653,940 shall be distributed equitably among the state mental health institutes, state juvenile institutions, the unit located at the state mental health institute at Cherokee for the commitment and treatment of sexually violent predators, and the state resource centers for salary adjustment.

9. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 31. 2011 Iowa Acts, chapter 129, section 140, is amended to read as follows:

SEC. 140. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

.....	\$	42,330
		<u>84,660</u>

PROVIDER REIMBURSEMENT — NURSING FACILITIES

Sec. 32. 2011 Iowa Acts, chapter 129, section 141, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the fiscal year beginning July 1, 2012, the total state funding amount for the nursing facility budget shall not exceed ~~\$225,457,724~~ \$237,226,901.

PROVIDER REIMBURSEMENT — PHARMACY, HOME HEALTH AGENCIES, PMICS, HCBS WAIVER

Sec. 33. 2011 Iowa Acts, chapter 129, section 141, subsection 1, paragraphs b, f, i, and q, are amended to read as follows:

b. (1) For the fiscal year beginning July 1, 2012, the department shall reimburse pharmacy dispensing fees using a ~~single rate of range between~~ \$4.34 and \$11.10 per

prescription or the pharmacy's usual and customary fee, whichever is lower. The actual dispensing fee set within the range shall be determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies. However, the department shall adjust the dispensing fee specified in this paragraph to distribute an additional \$2,081,980 in reimbursements for pharmacy dispensing fees under this paragraph for the fiscal year.

(2) The department shall implement an average acquisition cost reimbursement methodology for all drugs covered under the medical assistance program. The methodology shall utilize a survey of pharmacy invoices in determining the average acquisition cost component of pharmacy reimbursement. Pharmacies and providers that are enrolled in the medical assistance program shall make available drug acquisition cost invoice information, product availability information if known, and other information deemed necessary by the department to assist the department in monitoring and revising the reimbursement rates and for efficient operation of the pharmacy benefit. The department shall provide a process for pharmacies to address average acquisition cost prices that are not reflective of the actual cost of a drug. With regard to speciality pharmacy products as defined by the department, the department shall consider the population served, the current delivery system, and the standard of care relative to these products, and may adjust the product reimbursement rate or dispensing fee to prevent problems with access to these products and their associated speciality services.

(a) A pharmacy or provider shall produce and submit the requested information in the manner and format requested by the department or its designee at no cost to the department or its designee.

(b) A pharmacy or provider shall submit information to the department or its designee within the time frame indicated following receipt of a request for information unless the department or its designee grants an extension upon written request of the pharmacy or provider.

(3) Any dispensing fee expenses or acquisition cost information required to be submitted to the department under this paragraph "b" that specifically identifies a pharmacy's or provider's individual costs shall remain strictly confidential.

(4) No later than December 15, 2012, the department shall report to the individuals specified in this Act for submission of reports, providing recommendations for adjusting pharmacy dispensing fees between completion of surveys to ensure fair and adequate reimbursement for pharmacies.

f. For the fiscal year beginning July 1, 2012, reimbursement rates for home health agencies shall ~~remain at~~ be increased by 2 percent over the rates in effect on June 30, 2012, not to exceed a home health agency's actual allowable cost.

i. (1) For the fiscal year beginning July 1, 2012, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the department as required for federal compliance.

(3) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children under the custody of a psychiatric medical institution for children.

q. For the fiscal year beginning July 1, 2012, ~~the department shall adjust the rates in effect on June 30, 2012, reimbursement rates~~ for providers of home and community-based services waiver services ~~to distribute an additional \$1,500,000 in~~

~~reimbursements to such providers for the fiscal year shall be increased beginning January 1, 2013, by 2 percent over the rates in effect on June 30, 2012.~~

PROVIDER REIMBURSEMENT — SPECIFIED CHILD WELFARE PROVIDERS

Sec. 34. 2011 Iowa Acts, chapter 129, section 141, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. For the fiscal year beginning July 1, 2012, the department shall adjust the foster family basic daily maintenance rate, the maximum adoption subsidy rates for children, the family-centered service providers rate, the family foster care service providers rate, the group foster care service providers rate, and the resource family recruitment and retention contractor rate, as such rates are identified in this section and were in effect on June 30, 2012, in order to distribute an additional \$1,535,256 in state reimbursements equitably to such providers for the fiscal year.

PROVIDER REIMBURSEMENT — CHILD CARE

Sec. 35. 2011 Iowa Acts, chapter 129, section 141, subsection 10, is amended to read as follows:

10. For the fiscal year beginning July 1, 2012, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. ~~Effective July 1, 2012, the child care provider reimbursement rates shall remain~~ not be increased beginning January 1, 2013, by 2 percent over the rates in effect on June 30, 2012. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

REBASING STUDY — MEDICAID HOME HEALTH AND HCBS WAIVER SERVICE PROVIDERS

Sec. 36. 2011 Iowa Acts, chapter 129, section 141, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. The department of human services, Iowa Medicaid enterprise, shall review reimbursement of home health agency and home and community-based services waiver services providers and shall submit a recommendation for a rebasing methodology applicable to such providers to the individuals identified in this Act for receipt of reports by December 31, 2012.

ELDERLY WAIVER

Sec. 37. 2011 Iowa Acts, chapter 129, section 141, is amended by adding the following new subsection:

NEW SUBSECTION. 10B. The department shall increase the monthly reimbursement cap for the medical assistance home and community-based services waiver services for the elderly to \$1,300 per month.

REPORTS

Sec. 38. 2011 Iowa Acts, chapter 129, section 143, is amended to read as follows:

SEC. 143. REPORTS. Any reports or other information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

DIVISION V

HEALTH CARE ACCOUNTS AND FUNDS

PHARMACEUTICAL SETTLEMENT ACCOUNT

Sec. 39. 2011 Iowa Acts, chapter 129, section 145, is amended to read as follows:

SEC. 145. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the

department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

..... \$ 2,716,807
4,805,804

IOWACARE ACCOUNT APPROPRIATIONS — UNIVERSITY OF IOWA HOSPITALS AND CLINICS

Sec. 40. 2011 Iowa Acts, chapter 129, section 146, subsection 1, paragraph c, is amended to read as follows:

c. The university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed ~~\$20,000,000~~ \$32,000,000.

Sec. 41. 2011 Iowa Acts, chapter 129, section 146, subsection 2, unnumbered paragraph 2, is amended to read as follows:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 44,226,279
45,654,133

IOWACARE ACCOUNT — PUBLICLY OWNED ACUTE CARE TEACHING HOSPITAL

Sec. 42. 2011 Iowa Acts, chapter 129, section 146, subsection 4, unnumbered paragraph 2, is amended to read as follows:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 65,000,000
71,000,000

IOWACARE ACCOUNT — PUBLICLY OWNED ACUTE CARE HOSPITAL ALLOCATIONS

Sec. 43. 2011 Iowa Acts, chapter 129, section 146, subsection 4, paragraphs a and b, are amended to read as follows:

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of ~~\$60,000,000~~ \$65,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds ~~\$60,000,000~~ \$65,000,000. The amount paid in excess of ~~\$60,000,000~~ \$65,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of ~~\$60,000,000~~ \$65,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs, ~~and~~ podiatry services, optometric services, and durable medical equipment.

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection, shall be reimbursed for outpatient prescription drugs, ~~and~~ podiatry services, optometric services, and durable medical equipment provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed \$4,000,000.

IOWACARE ACCOUNT — REGIONAL PROVIDER NETWORK

Sec. 44. 2011 Iowa Acts, chapter 129, section 146, subsection 5, unnumbered paragraph 2, is amended to read as follows:

For payment to the regional provider network specified by the department pursuant to section 249J.7 for provision of covered services to members of the expansion population pursuant to chapter 249J:

.....	\$	<u>3,472,176</u>
		<u>4,986,366</u>

ACCOUNT FOR HEALTH CARE TRANSFORMATION

Sec. 45. 2011 Iowa Acts, chapter 129, section 148, is amended to read as follows:

SEC. 148. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:

.....	\$	<u>50,000</u>
		<u>100,000</u>

2. For other health promotion partnership activities pursuant to section 249J.14:

.....	\$	<u>300,000</u>
		<u>600,000</u>

3. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:

.....	\$	<u>62,500</u>
		<u>125,000</u>

4. For administrative costs associated with chapter 249J:

.....	\$	<u>566,206</u>
		<u>1,132,412</u>

5. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14:

.....	\$	<u>500,000</u>
		<u>1,000,000</u>

6. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:

.....	\$	<u>25,000</u>
		<u>50,000</u>

7. For medical contracts:

.....	\$	<u>1,000,000</u>
		<u>2,400,000</u>

8. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:

.....	\$	<u>145,000</u>
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540,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

9. For transfer to the department of public health to be used for the costs of medical home system advisory council established pursuant to section 135.159:

..... \$ 116,679
233,357

10. For continued implementation of a uniform cost report:

..... \$ 75,000
150,000

11. For continued implementation of an electronic medical records system:

..... \$ 50,000
100,000

Notwithstanding section 8.33, funds allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated.

12. For transfer to the department of public health to support the department's activities relating to health and long-term care access as specified pursuant to chapter 135, division XXIV:

..... \$ 67,107
134,214

13. For continuation of an accountable care organization pilot project:

..... \$ 50,000
100,000

15. For transfer to the department of public health to be used as state matching funds for the health information technology ~~system~~ network developed by the department of public health:

..... \$ 181,993
363,987

~~16. To supplement the appropriation for medical assistance:~~

..... \$ 1,956,245

Any funds remaining in the health care transformation account at the close of the fiscal year beginning July 1, 2012, and ending June 30, 2013, are appropriated to the department of human services to supplement the medical assistance program appropriation made in this Act.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

QUALITY ASSURANCE TRUST FUND

Sec. 46. 2011 Iowa Acts, chapter 129, section 151, is amended to read as follows:

SEC. 151. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 29,000,000
26,500,000

HOSPITAL HEALTH CARE ACCESS TRUST FUND

Sec. 47. 2011 Iowa Acts, chapter 129, section 152, is amended to read as follows:

SEC. 152. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 39,223,800
33,898,400

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used for the purposes of the fund:

..... \$ 776,200
801,600

MISCELLANEOUS PROVISIONS

Sec. 48. REPEAL. 2011 Iowa Acts, chapter 129, sections 149 and 150, are repealed.

DIVISION VI

CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT CONTINGENCY FUND

Sec. 49. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE OF FUNDS — FY 2011–2012.

1. Moneys received from the federal government through the child enrollment contingency fund established pursuant to section 103 of the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3, are appropriated to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to be used in addition to any other amounts appropriated for the same purposes for the fiscal year as follows:

a. For adoption subsidy payments and services:

..... \$ 2,177,355

b. For child care programs:

..... \$ 1,212,432

c. For transfer to the department of public health to be used for tobacco use prevention, cessation, and treatment through support of Quitline Iowa:

..... \$ 275,000

2. Notwithstanding section 8.39, and to the extent that funds appropriated in this section are unexpended or unobligated for the purposes specified in subsection 1, the department of human services may transfer funds within or between any of the appropriations made in this section for the following purposes:

a. For adoption subsidy payments and services.

b. For child care assistance.

Sec. 50. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE OF FUNDS — FY 2012–2013. Moneys received from the federal government through the child enrollment contingency fund established pursuant to section 103 of the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3, are appropriated to the department of human services for the fiscal year beginning

July 1, 2012, and ending June 30, 2013, to be used in addition to any other amounts appropriated for the same purposes for the fiscal year as follows:

- 1. For mental health and disability services redesign technical assistance services: \$ 500,000
- 2. For the field operations integrity claims unit: \$ 961,100
- 3. For the child welfare resources fund created pursuant to this subsection: \$ 1,000,000

A child welfare resources fund is created under the control of the department of human services. Notwithstanding section 8.33, moneys credited to the fund shall not revert to any other fund and are appropriated to the department to be used as provided in this subsection. The department shall distribute the moneys credited to the fund as grants to child welfare service providers to support infrastructure projects, supplies, equipment, renovations, and other one-time expenses in connection with publicly funded child welfare services.

Sec. 51. EFFECTIVE DATE PROVISIONS. The section of this division of this Act appropriating moneys received through the federal Child Enrollment Contingency Fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, being deemed of immediate importance, takes effect upon enactment.

Sec. 52. RETROACTIVE APPLICABILITY. The section of this division of this Act appropriating moneys received through the federal Child Enrollment Contingency Fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, applies retroactively to July 1, 2011.

DIVISION VII
MENTAL HEALTH AND DISABILITY SERVICES REDESIGN FUNDING FOR
FY 2012–2013

Sec. 53. RISK POOL APPROPRIATION FOR MEDICAL ASSISTANCE PROGRAM. All moneys remaining in the risk pool of the property tax relief fund on June 30, 2012, following the distributions made pursuant to 2012 Iowa Acts, Senate File 2071, are appropriated to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to be used for the purpose designated:

To be credited to the appropriation made for the medical assistance program in 2011 Iowa Acts, chapter 129, section 122.

Sec. 54. MENTAL HEALTH AND DISABILITY SERVICES REDESIGN. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the mental health and disability services redesign fund created in this division of this Act:

- \$ 40,000,000

Sec. 55. REPLACEMENT GENERATION TAX REVENUES — LEVY RATES FOR FY 2012–2013.

1. a. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph “d”, and section 437A.15, subsection 3, paragraph “f”, shall instead be credited to the mental health and disability services redesign fund created in this division of this Act.

b. If this section of this division of this Act is enacted after the department of management has reduced county certified budgets and revised rates of taxation pursuant to section 426B.2, subsection 3, paragraph “b”, to reflect anticipated replacement generation tax revenues, and the enactment date is during the period

beginning May 1, 2012, and ending June 30, 2012, the reductions and revisions shall be rescinded and the department of management shall expeditiously report that fact to the county auditors.

2. Except as otherwise provided in subsection 1 for department of management reductions of certified budgets and revisions of tax rates and rescinding of those reductions and revisions, the budgets and tax rates certified for a county services fund under section 331.424A, for the fiscal year beginning July 1, 2012, shall remain in effect, notwithstanding section 426B.3, subsection 1, the property tax relief fund payment and other services fund financing changes made in this division of this Act, or other statutory amendments affecting county services funds for the fiscal year to the contrary.

Sec. 56. MENTAL HEALTH AND DISABILITY SERVICES REDESIGN FUND — FY 2012–2013.

1. A mental health and disability services redesign fund is created in the state treasury on the effective date of this section to be used as provided in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013. The redesign fund is under the control of the department of human services. Moneys remaining in the redesign fund at the close of the fiscal year beginning July 1, 2012, shall be transferred to the mental health and disability regional services fund created in section 225C.7A, if enacted by 2012 Iowa Acts, Senate File 2315.

2. Moneys available in the mental health and disability services redesign fund created in this section are appropriated to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to be used as provided in this section.

3. Moneys appropriated in this section shall be used to pay the nonfederal share of medical assistance program services costs that would be billed to counties, if the amendments to sections 249A.12 and 249A.26 were not enacted by this division of this Act, for the following services provided in the fiscal year beginning July 1, 2012:

- a. Habilitation.
- b. Targeted case management.
- c. Home-based and community-based services waiver services for persons with intellectual disabilities and brain injury.
- d. Community-based intermediate care facilities for persons with mental retardation (ICF/MR).
- e. The state resource centers.

4. The nonfederal share of the medical assistance services costs for the services specified in subsection 3 provided for the fiscal year beginning July 1, 2012, shall be paid from the mental health and disability services redesign fund and shall not be billed to counties.

5. Of the funds appropriated in this section, for the fiscal year beginning July 1, 2012, \$500,000 shall be used to implement the children's mental health home project proposed by the department of human services and reported to the general assembly's mental health and disability services study committee in December 2011. Of this amount up to \$50,000 may be transferred by the department to the appropriation made to the department for the fiscal year for general administration to be used for associated administrative expenses and for not more than one full-time equivalent position, in addition to those authorized for the fiscal year, to be assigned to implementing the project.

6. Of the funds appropriated in this section, up to \$400,000 may be transferred by the department to the appropriation made to the department for the fiscal year for general administration to support redesign and balancing incentive planning and implementation activities. The funds may be used for contracts or for personnel in

addition to the amounts appropriated for and the positions authorized for general administration for the fiscal year.

7. Of the funds appropriated in this section, up to \$3,000,000 may be transferred by the department to the appropriations made to the department for the fiscal year for general administration or medical contracts to be used to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

8. Moneys credited to the redesign fund are not subject to section 8.33.

Sec. 57. SERVICES FUND CASH FLOW TRANSFER. Notwithstanding section 331.424A, subsection 5, and section 331.432, subsection 3, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, a county may temporarily transfer moneys from other funds of the county to the county's services fund created in section 331.424A, for cash flow purposes. Moneys transferred pursuant to this section shall be returned to the fund from which the transfer was made by the close of the fiscal year.

Sec. 58. Section 249A.12, Code 2011, is amended to read as follows:

249A.12 Assistance to persons with mental retardation — state cases.

1. Assistance may be furnished under this chapter to an otherwise eligible recipient who is a resident of a health care facility licensed under chapter 135C and certified as an intermediate care facility for persons with mental retardation.

~~2. A county shall reimburse the department on a monthly basis for that portion of the cost of assistance provided under this section to a recipient with legal settlement in the county, which is not paid from federal funds, if the recipient's placement has been approved by the appropriate review organization as medically necessary and appropriate. The department's goal for the maximum time period for submission of a claim to a county is not more than sixty days following the submission of the claim by the provider of the service to the department. The department's goal for completion and crediting of a county for cost settlement for the actual costs of a service under a home and community-based services waiver is within two hundred seventy days of the close of a fiscal year for which cost reports are due from providers. The department shall place all reimbursements from counties in the appropriation for medical assistance, and may use the reimbursed funds in the same manner and for any purpose for which the appropriation for medical assistance may be used.~~

~~3. 2.~~ If a county ~~reimburses~~ reimbursed the department for medical assistance provided under this section, Code 2011, and the amount of medical assistance is subsequently repaid through a medical assistance income trust or a medical assistance special needs trust as defined in section 633C.1, the department shall reimburse the county on a proportionate basis. The department shall adopt rules to implement this subsection.

~~4. 3.~~ *a.* Effective July 1, 1995, the state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with mental retardation services provided under medical assistance to minors. Notwithstanding ~~subsection 2 and~~ contrary provisions of section 222.73, Code 2011, effective July 1, 1995, a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services provided to minors.

b. The state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with intellectual disabilities services provided to minors, and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

c. Effective February 1, 2002, the state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with mental retardation services provided under medical assistance attributable to the assessment fee for intermediate care facilities for individuals with mental retardation imposed

pursuant to section 249A.21. ~~Notwithstanding subsection 2, effective~~ Effective February 1, 2003, a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services attributable to the assessment fee.

~~5.~~ 4. *a.* The mental health and disability services commission shall recommend to the department the actions necessary to assist in the transition of individuals being served in an intermediate care facility for persons with mental retardation, who are appropriate for the transition, to services funded under a medical assistance home and community-based services waiver for persons with intellectual disabilities in a manner which maximizes the use of existing public and private facilities. The actions may include but are not limited to submitting any of the following or a combination of any of the following as a request for a revision of the medical assistance home and community-based services waiver for persons with intellectual disabilities:

(1) Allow for the transition of intermediate care facilities for persons with mental retardation licensed under chapter 135C, to services funded under the medical assistance home and community-based services waiver for persons with intellectual disabilities. The request shall be for inclusion of additional persons under the waiver associated with the transition.

(2) Allow for reimbursement under the waiver for day program or other service costs.

(3) Allow for exception provisions in which an intermediate care facility for persons with mental retardation which does not meet size and other facility-related requirements under the waiver in effect on June 30, 1996, may convert to a waiver service for a set period of time such as five years. Following the set period of time, the facility would be subject to the waiver requirements applicable to services which were not operating under the exception provisions.

b. In implementing the provisions of this subsection, the mental health and disability services commission shall consult with other states. The waiver revision request or other action necessary to assist in the transition of service provision from intermediate care facilities for persons with mental retardation to alternative programs shall be implemented by the department in a manner that can appropriately meet the needs of individuals at an overall lower cost to counties, the federal government, and the state. In addition, the department shall take into consideration significant federal changes to the medical assistance program in formulating the department's actions under this subsection. The department shall consult with the mental health and disability services commission in adopting rules for oversight of facilities converted pursuant to this subsection. A transition approach described in paragraph "a" may be modified as necessary to obtain federal waiver approval.

~~6.~~ 5. *a.* The provisions of the home and community-based services waiver for persons with intellectual disabilities shall include adult day care, prevocational, and transportation services. Transportation shall be included as a separately payable service.

b. The department of human services shall seek federal approval to amend the home and community-based services waiver for persons with intellectual disabilities to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

c. ~~The person's county of legal settlement shall pay for the nonfederal share of the cost of services provided under the waiver, and the state shall pay for the nonfederal share of such costs if the person has no legal settlement or the legal settlement is unknown so that the person is deemed to be a state case.~~

d. ~~The county of legal settlement shall pay for one hundred percent of the nonfederal share of the costs of care provided for adults which is reimbursed under a~~

~~home and community based services waiver that would otherwise be approved for provision in an intermediate care facility for persons with mental retardation provided under the medical assistance program.~~

~~7.6.~~ When paying the necessary and legal expenses for intermediate care facility for persons with mental retardation services, the cost requirements of section 222.60 shall be considered fulfilled when payment is made in accordance with the medical assistance payment rates established by the department for intermediate care facilities for persons with mental retardation, and the state ~~or a county of legal settlement~~ shall not be obligated for any amount in excess of the rates.

~~8.7.~~ If a person with mental retardation has no legal settlement or the legal settlement is unknown so that the person is deemed to be a state case and services associated with the mental retardation can be covered under a medical assistance home and community-based services waiver or other medical assistance program provision, the nonfederal share of the medical assistance program costs for such coverage shall be paid from the appropriation made for the medical assistance program.

Sec. 59. Section 249A.26, subsection 2, Code 2011, is amended to read as follows:

2. *a.* Except as provided for disallowed costs in section 249A.27, the ~~county of legal settlement shall pay for fifty percent of the nonfederal share of the cost and the state shall have responsibility for the remaining fifty~~ pay one hundred percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or ~~substance abuse~~ a substance-related disorder shall not be considered ~~chronically mentally ill to be persons with chronic mental illness. To the maximum extent allowed under federal law and regulations, the department shall consult with and inform a county of legal settlement's central point of coordination process, as defined in section 331.440, regarding the necessity for and the provision of any service for which the county is required to provide reimbursement under this subsection.~~

b. The state shall pay for one hundred percent of the nonfederal share of the costs of case management provided for adults, day treatment, partial hospitalization, and the home and community-based services waiver services for persons who have no ~~legal settlement residence in this state or the legal settlement whose residence~~ residence is unknown so that the persons are deemed to be state cases.

c. The case management services specified in this subsection shall be paid for by a county only if the services are provided outside of a managed care contract.

Sec. 60. Section 249A.26, subsections 3, 4, 7, and 8, Code 2011, are amended to read as follows:

~~3. To the maximum extent allowed under federal law and regulations, a person with mental illness or mental retardation shall not be eligible for any service which is funded in whole or in part by a county share of the nonfederal portion of medical assistance funds unless the person is referred through the central point of coordination process, as defined in section 331.440. However, to the extent federal law allows referral of a medical assistance recipient to a service without approval of the central point of coordination process, the county of legal settlement shall be billed for the nonfederal share of costs for any adult person for whom the county would otherwise be responsible.~~

4. The ~~county of legal settlement~~ state shall pay for one hundred percent of the nonfederal share of the cost of services provided to adult persons with chronic mental illness who qualify for habilitation services in accordance with the rules adopted for the services. ~~The state shall pay for one hundred percent of the nonfederal share of the~~

cost of such services provided to such persons who have no legal settlement or the legal settlement is unknown so that the persons are deemed to be state cases.

7. ~~Unless a county has paid or is paying for the nonfederal share of the costs of a person's home and community based waiver services or placement in an intermediate care facility for persons with mental retardation under the county's mental health, mental retardation, and developmental disabilities services fund, or unless a county of legal settlement would become liable for the costs of services for a person at the level of care provided in an intermediate care facility for persons with mental retardation due to the person reaching the age of majority, the~~ The state shall pay ~~for~~ the nonfederal share of the costs of an eligible person's services under the home and community-based services waiver for persons with brain injury.

8. If a dispute arises between different counties or between the department and a county as to the legal settlement of a person who ~~receives~~ received medical assistance for which the nonfederal share ~~is~~ was payable in whole or in part by a county of legal settlement in accordance with Code 2011, and cannot be resolved by the parties, the dispute shall be resolved as provided in section 225C.8, Code 2011.

Sec. 61. Section 445.5, subsection 1, paragraph h, Code Supplement 2011, is amended by striking the paragraph.

Sec. 62. 2011 Iowa Acts, chapter 129, section 43, subsection 2, paragraphs d and e, are amended to read as follows:

d. If moneys from a distribution made under this subsection are not expended by a county by ~~November 1, 2012~~ June 30, 2013, for services provided ~~prior to July 1, 2012 by that date~~, the county shall reimburse the unexpended moneys to the department by ~~November 30, 2012~~ August 30, 2013, and the moneys reimbursed shall be credited to the risk pool in the property tax relief fund.

e. The risk pool board shall submit ~~a report~~ reports to the governor and general assembly on or before December 31, 2012 and 2013, regarding the expenditure of funds distributed under this subsection.

Sec. 63. 2011 Iowa Acts, chapter 129, section 135, is amended to read as follows:

SEC. 135. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

~~For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440 To be credited to the mental health and disability services redesign fund created by this division of this 2012 Act:~~

..... \$ 6,084,741
11,150,820

2. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, ~~\$100,000~~ \$200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C. ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2010, and ending September 30, 2011, beginning October 1, 2011, and ending September 30, 2012, and beginning October 1, 2012, and ending September 30, 2013. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

~~3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the~~

succeeding fiscal year.

Sec. 64. 2011 Iowa Acts, chapter 129, section 136, is amended to read as follows:

SEC. 136. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the ~~mental health and developmental disabilities community services fund created in section 225C.7~~ department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

~~For mental health and developmental disabilities community services in accordance with this division of this Act~~ To be credited to the mental health and disability services redesign fund created by this division of this 2012 Act:

..... \$ 14,211,100

~~1. Of the funds appropriated in this section, \$14,187,556 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:~~

~~a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.~~

~~b. Fifty percent based upon the county's proportion of the state's general population.~~

~~2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.~~

~~b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.~~

~~3. Of the funds appropriated in this section, \$23,514 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.~~

~~4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.~~

~~b. The funds allocated in this subsection shall be expended by counties in accordance with the county's county management plan approved by the board of supervisors. A county without an approved county management plan shall not receive allocated funds until the county's management plan is approved.~~

~~e. The funds provided by this subsection shall be allocated to each county as follows:~~

~~(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.~~

~~(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.~~

~~5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.~~

~~6. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.~~

Sec. 65. 2011 Iowa Acts, chapter 129, section 154, is amended to read as follows:

SEC. 154. MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX RELIEF. Notwithstanding In lieu of the standing appropriation in section 426B.1, subsection 2,

for the fiscal year beginning July 1, 2012, and ending June 30, 2013, ~~the amount there~~ is appropriated from the general fund of the state pursuant to that provision shall not exceed to the department of human services the following amount or so much thereof as is necessary to be used for the purposes designated:

To be credited to the mental health and disability services redesign fund created by this division of this 2012 Act:

..... \$ 81,199,911

Sec. 66. 2011 Iowa Acts, chapter 129, section 155, is amended to read as follows:

SEC. 155. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012–2013.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

~~For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2012–2013 as provided in this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B To be credited to the mental health and disability services redesign fund created by this division of this 2012 Act:~~

..... \$ 74,697,893

~~2. Of the amount appropriated in this section, \$38,000,000 shall be distributed as provided in this subsection.~~

~~a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:~~

~~(1) The county is levying for the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2012, or the county is levying for at least 90 percent of the maximum amount allowed for the county’s services fund and that levy rate is more than \$2 per \$1,000 of the assessed value of all taxable property in the county.~~

~~(2) In the fiscal year beginning July 1, 2010, the county’s mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county’s actual gross expenditures for that fiscal year.~~

~~b. The amount of a county’s distribution from the allocation made in this subsection shall be determined based upon the county’s proportion of the general population of the counties eligible to receive a distribution under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.~~

~~e. The distributions made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2012.~~

~~3. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2012–2013, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:~~

..... \$ 36,697,893

~~4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2012–2013 under this section by applying the indicated formula provisions to the formula~~

amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... \$ 40,773,346

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2012:

..... \$ 14,187,556

5. a. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 4 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable.

b. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2010, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2010, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection.

c. For purposes of calculating withholding factors and for ending balance amounts used for other purposes under law, the county ending balances shall be adjusted, using forms developed for this purpose by the county finance committee, to disregard the temporary funding increase provided to the counties for the fiscal year through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111 5. In addition, a county may adjust the ending balance amount by rebating to the department all or a portion of the allowed growth and MH/DD services fund moneys the county received for the fiscal year beginning July 1, 2011, in accordance with this Act, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2012, in order to be counted. The amount rebated by a county shall be subtracted dollar for dollar from the county's ending balance amount for the fiscal year beginning July 1, 2010, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2012. The rebates received by the department shall be credited to the property tax relief fund and distributed as additional funding for the fiscal year beginning July 1, 2012, in accordance with the formula provisions in this section.

d. The withholding factor for a county shall be the following applicable percent:

(1) For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(2) For an ending balance percentage of 5 percent or more but less than 10

percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

~~(3) For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for counties with an ending balance of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.~~

~~(4) For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.~~

~~6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of \$13,075,453. If the department of human services determines that the amount appropriated is insufficient or the amount to be withheld in accordance with subsection 5 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 5 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall only adjust the zero withholding factor or the inflation adjustment percentages specified in subsection 5, paragraph "d", when the amount appropriated is insufficient.~~

Sec. 67. 2012 Iowa Acts, Senate File 2071, section 6, subsections 5 and 6, are amended to read as follows:

5. If moneys from a distribution made under this section are not expended by a county by ~~November 1, 2012~~ June 30, 2013, for services provided ~~prior to July 1, 2012 by that date~~, the county shall reimburse the unexpended moneys to the department by ~~November 30, 2012~~ August 30, 2013, and the moneys reimbursed shall be credited to the risk pool in the property tax relief fund.

6. The risk pool board shall submit ~~a report~~ reports to the governor and general assembly on or before December 31, 2012 and 2013, regarding the expenditure of funds distributed under this section.

Sec. 68. 2012 Iowa Acts, Senate File 2071, section 7, is amended to read as follows:

SEC. 7. PROPERTY TAX RELIEF — FY 2012–2013. There is appropriated from the Iowa economic emergency fund to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, notwithstanding section 8.55, subsection 1, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the ~~property tax relief~~ mental health and disability services redesign fund to be used to restore the amount of the standing appropriation made from the general fund of the state in section 426B.1, subsection 1, for the fiscal year beginning July 1, 2012, in the amount of the reduction applied pursuant to 2011 Iowa Acts, chapter 129, section 154 created by this division of this 2012 Act:

..... \$ 7,200,089

Sec. 69. REPEAL. The sections of 2012 Iowa Acts, Senate File 2315, if enacted, amending sections 249A.12 and 249A.26 are repealed.

Sec. 70. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect July 1, 2013, if the amendments to chapter 426B in 2012 Iowa Acts, Senate File 2315, are enacted:

1. The section of this Act amending section 445.5.

Sec. 71. EFFECTIVE UPON ENACTMENT. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act relating to replacement generation tax revenues and county levy rates for the fiscal year beginning July 1, 2012.
2. The section of this Act creating the mental health and disability services redesign fund.
3. The section of this Act amending 2012 Iowa Acts, Senate File 2071, section 7.

DIVISION VIII

PRIOR APPROPRIATIONS AND RELATED CHANGES
INJURED VETERANS GRANT PROGRAM

Sec. 72. 2008 Iowa Acts, chapter 1187, section 69, unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter 182, section 83, 2010 Iowa Acts, chapter 1192, section 56, and 2011 Iowa Acts, chapter 129, section 53, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2011~~ 2012.

CHILD WELFARE DECATEGORIZATION
FY 2009–2010 NONREVERSION

Sec. 73. 2009 Iowa Acts, chapter 182, section 14, subsection 5, unnumbered paragraph 2, as enacted by 2011 Iowa Acts, chapter 129, section 55, is amended to read as follows:

Notwithstanding section 232.188, subsection 5, moneys from the allocations made in this subsection or made from any other source for the decategorization of child welfare and juvenile justice funding initiative under section 232.188 for the fiscal year beginning July 1, 2009, that are designated as carryover funding that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2010, shall not revert but shall be transferred in the amount of \$1,000,000 to the supportive and residential services competitive grant program fund created in section 16.185A, as enacted in this 2012 Act, and the remainder shall be transferred to the community housing and services for persons with disabilities revolving loan program fund created in section 16.185, as enacted by this division of this Act.

IOWA VETERANS HOME

Sec. 74. 2011 Iowa Acts, chapter 129, section 3, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The funds appropriated in this subsection to the Iowa veterans home that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first \$500,000 shall remain available to be used for the purposes of the Iowa veterans home. Any remaining balance shall be credited to the appropriation in this Act for the fiscal year beginning July 1, 2012, for medical assistance.

FAMILY INVESTMENT PROGRAM — GENERAL FUND

Sec. 75. 2011 Iowa Acts, chapter 129, section 7, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

MEDICAL ASSISTANCE

Sec. 76. 2011 Iowa Acts, chapter 129, section 10, subsection 20, paragraph d, is amended to read as follows:

d. If the savings to the medical assistance program exceed the cost, the department may transfer any savings generated for the fiscal year due to medical

assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive Order No. 20, issued December 16, 2009, or cost containment strategies initiated pursuant to this subsection, to the ~~appropriation~~ appropriations made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

BEHAVIORAL HEALTH SERVICES ACCOUNT — MEDICAL ASSISTANCE

Sec. 77. 2011 Iowa Acts, chapter 129, section 10, is amended by adding the following new subsection:

NEW SUBSECTION. 26. Notwithstanding 2009 Iowa Acts, chapter 182, section 9, subsection 16, paragraph “b”, as amended by 2010 Iowa Acts, chapter 1192, section 63, as amended by 2011 Iowa Acts, chapter 129, section 54, funds in the account that remain unencumbered or unobligated at the end of the fiscal year beginning July 1, 2011, are appropriated to the department of human services to be used for the medical assistance program for the succeeding fiscal year.

STATE SUPPLEMENTARY ASSISTANCE

Sec. 78. 2011 Iowa Acts, chapter 129, section 11, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

JUVENILE INSTITUTIONS

Sec. 79. 2011 Iowa Acts, chapter 129, section 14, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

MENTAL HEALTH INSTITUTES

Sec. 80. 2011 Iowa Acts, chapter 129, section 20, is amended by adding the following new unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

STATE RESOURCE CENTERS

Sec. 81. 2011 Iowa Acts, chapter 129, section 21, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

SEXUALLY VIOLENT PREDATORS

Sec. 82. 2011 Iowa Acts, chapter 129, section 24, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

FIELD OPERATIONS

Sec. 83. 2011 Iowa Acts, chapter 129, section 25, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

CHILD PROTECTION SYSTEM IMPROVEMENTS

Sec. 84. 2011 Iowa Acts, chapter 129, section 26, subsection 5, is amended to read as follows:

5. Of the funds appropriated in this section, \$500,000 shall be used for implementation of child protection system improvements addressed in 2011 Iowa Acts, House File 562, as enacted chapter 28. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

GENERAL ADMINISTRATION

Sec. 85. 2011 Iowa Acts, chapter 129, section 26, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

IOWACARE DISTRIBUTIONS

Sec. 86. 2011 Iowa Acts, chapter 129, section 35, subsection 2, unnumbered paragraph 2, is amended to read as follows:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

.....	\$	44,226,279
		56,226,279

Sec. 87. 2011 Iowa Acts, chapter 129, section 35, subsection 4, paragraph a, is amended to read as follows:

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of ~~\$60,000,000~~ \$57,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds ~~\$60,000,000~~ \$57,000,000. The amount paid in excess of ~~\$60,000,000~~ \$57,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of ~~\$60,000,000~~ \$57,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs and podiatry services.

Sec. 88. 2011 Iowa Acts, chapter 129, section 35, subsection 4, paragraph d, subparagraph (2), is amended to read as follows:

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph "a", subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2012, and June 30, 2012, shall be distributed to the treasurer of state for

deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection. ~~Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (2), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of July 2012, following the January 1 through June 30, 2012, period.~~

Sec. 89. IMMEDIATE EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 90. RETROACTIVE APPLICABILITY. The following sections of this division of this Act apply retroactively to July 1, 2011:

1. The section relating to the transfer of funds from costs savings under the medical assistance program to appropriations for medical contracts or general administration for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

2. The section relating to the nonreversion of decategorization of child welfare and juvenile justice funds.

3. The section relating to the distribution of IowaCare program funds.

DIVISION IX MISCELLANEOUS

Sec. 91. Section 8A.512A, subsection 3, Code Supplement 2011, is amended to read as follows:

3. a. For purposes of this section, “*executive branch employee*” means an employee of the executive branch as defined in section 7E.2, other than a member or employee of the state board of regents and institutions under the control of the state board of regents.

b. For purposes of this section, “*out-of-state travel*” does not include out-of-state travel incidental to travel between a travel departure point in this state and a travel destination point in the city of Carter Lake.

Sec. 92. NEW SECTION. 16.185A Supportive and residential services for individuals who meet the psychiatric medical institution for children level of care — competitive grant program fund.

1. A supportive and residential services competitive grant program fund is created within the authority to further the availability of supportive and residential services for individuals who meet the psychiatric medical institution for children level of care under the medical assistance program. The moneys in the fund are appropriated to the authority to be used for the development and operation of a competitive grant program to provide financing to construct supportive housing or develop the infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse.

2. Moneys transferred by the authority for deposit in the competitive grant program fund, moneys appropriated to the competitive grant program, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be credited to the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the fund shall be credited to the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund from any other fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the other fund.

3. The authority shall allocate moneys in the fund to the extent available for the development of supportive housing or the infrastructure in which to provide supportive services for individuals who meet the psychiatric medical institution for children level

of care under the medical assistance program. Moneys allocated to such projects shall be in the form of competitive grants. An application submitted shall contain a commitment of at least a dollar-for-dollar match of the grant assistance.

4. *a.* A project shall demonstrate written approval of the project by the department of human services to the authority prior to application for funding under this section.

b. In order to be approved by the department of human services for application for funding under this section, a project shall include all of the following components:

(1) Provision of services to individuals who meet the psychiatric medical institution for children level of care under the medical assistance program.

(2) Policies and procedures that prohibit discharge of the individual from the services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

5. Housing provided through a project under this section is exempt from the requirements of chapter 135O.

6. The authority, in collaboration with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 93. Section 97B.39, Code 2011, is amended to read as follows:

97B.39 Rights not transferable or subject to legal process — exceptions.

The right of any person to any future payment under this chapter is not transferable or assignable, at law or in equity, and the moneys paid or payable or rights existing under this chapter are not subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law except for the purposes of enforcing child, spousal, or medical support obligations or marital property orders, or for recovery of medical assistance payments pursuant to section 249A.5. For the purposes of enforcing child, spousal, or medical support obligations, the garnishment or attachment of or the execution against compensation due a person under this chapter shall not exceed the amount specified in 15 U.S.C. § 1673(b). The system shall comply with the provisions of a marital property order requiring the selection of a particular benefit option, designated beneficiary, or contingent annuitant if the selection is otherwise authorized by this chapter and the member has not received payment of the member's first retirement allowance. However, a marital property order shall not require the payment of benefits to an alternative payee prior to the member's retirement, prior to the date the member elects to receive a lump sum distribution of accumulated contributions pursuant to section 97B.53, or in an amount that exceeds the benefits the member would otherwise be eligible to receive pursuant to this chapter.

Sec. 94. Section 135H.10, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 95. Section 144D.4, as enacted by 2012 Iowa Acts, House File 2165, section 5, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A POST form executed between July 1, 2008, and June 30, 2012, as part of the patient autonomy in health care decisions pilot project created pursuant to 2008 Iowa Acts, chapter 1188, section 36, as amended by 2010 Iowa Acts, chapter 1192, section 58, shall remain effective until revoked or until a new POST form is executed pursuant to this chapter.

Sec. 96. Section 225B.8, Code Supplement 2011, is amended to read as follows:

225B.8 Repeal.

This chapter is repealed July 1, ~~2012~~ 2015.

Sec. 97. **NEW SECTION. 231.45 Certified volunteer long-term care resident's advocate program.**

1. The department shall establish a certified volunteer long-term care resident's advocate program in accordance with the federal Act to provide assistance to the state

and local long-term care resident’s advocates.

2. The department shall develop and implement a certification process for volunteer long-term care resident’s advocates including but not limited to an application process, provision for background checks, classroom or on-site training, orientation, and continuing education.

3. The provisions of section 231.42 relating to local long-term care resident’s advocates shall apply to certified volunteer long-term care resident’s advocates.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 98. NEW SECTION. 239B.2C Absence from home — incarceration.

An individual family member who is absent from the home for more than three months because the individual is incarcerated in jail or a correctional facility shall not be included in the family unit for purposes of assistance.

Sec. 99. Section 384.22, subsection 2, paragraph b, unnumbered paragraph 1, if enacted in 2012 Iowa Acts, House File 2460, is amended to read as follows:

The report required under this subsection shall include all of the following as of June 30 of the most recently ended fiscal year or the information for such fiscal year, as applicable:

Sec. 100. SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS — PRIVATE AGENCY RESIDENTIAL TREATMENT SERVICES. For the school year beginning July 1, 2012, the department of education shall administer the costs of special education instructional programs funded under section 256B.9, subsection 7, when contracted with a private agency that provides residential treatment services to include the costs of general administration, health services, attendance officers, plant operation, and plant maintenance, regular and special instructional costs, overhead costs, and the costs of purchase of equipment, transportation, and insurance to meet the special needs of children requiring special education.

Sec. 101. SPECIAL EDUCATION COSTS — LEGISLATIVE STUDY. The legislative council is requested to establish an interim study committee during the 2012 interim to examine the payment of special education costs associated with student services provided in residential treatment facilities and whether the planning for and costs of such services would be more appropriately administered by the department of education or the department of human services.

Sec. 102. CIVIL MONETARY PENALTIES — NURSING FACILITY TRAINING. Of the funds received by the department of human services through civil monetary penalties from nursing facilities, during the fiscal year beginning July 1, 2012, and ending June 30, 2013, \$250,000 shall be used for initial training of nursing facility staff for the care of individuals who were placed in a nursing facility from a commitment as a sexually violent predator under chapter 229A, residents of nursing facilities who have difficulty to manage behaviors, and individuals who are difficult for a nursing facility to accept for placement.>

On the part of the Senate:

JACK HATCH, Chair
 JOE BOLKCOM
 AMANDA RAGAN

On the part of the House:

DAVE HEATON, Chair
 LINDA MILLER
 MATT WINDSCHITL

RESOLUTIONS ADOPTED

EIGHTY-FOURTH GENERAL ASSEMBLY 2012 REGULAR SESSION

SENATE RESOLUTIONS

Senate Resolution 101: filed January 12, 2012; adopted by the Senate on January 18, 2012.

SENATE RESOLUTION 101 BY BEALL and BOETTGER

1 A resolution congratulating the Republic of China on
2 Taiwan on its twentieth anniversary of participating
3 in the Asia-Pacific Economic Cooperation forum and
4 supporting the Republic of China on Taiwan as a part
5 of the global community.

6 WHEREAS, the Republic of China on Taiwan in 2012
7 is celebrating 20 years of Taiwan's participation in
8 the Asia-Pacific Economic Cooperation (APEC) forum and
9 its active role in promoting economic cooperation in
10 the Asia-Pacific region, particularly in the areas of
11 broadening opportunities for digital computing, green
12 technologies, and renewable energy, improving crisis
13 management for small and medium-size enterprises,
14 and establishing a research center for typhoon and
15 society; and

16 WHEREAS, Taiwan in 2010 ranked as the United States'
17 ninth largest trading partner in the world, serving as
18 the United States' thirteenth largest export market and
19 ninth largest source of imports; and

20 WHEREAS, Taiwan is the world's sixth largest market
21 for United States agricultural goods, as well as the
22 fifteenth-largest market for Iowa goods, worth \$106
23 million in 2010, an increase of 12.9 percent above
24 Iowa's exports to Taiwan in 2009, which exports could
25 increase further in coming years with the expected
26 purchases of soybeans and corn following the September
27 2011 visit of the Taiwan Agricultural Goodwill Mission
28 to Iowa and the Midwest, thus contributing to the

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1 region's economy; and

2 WHEREAS, Taiwan seeks greater regional integration
3 in the Asian-Pacific and welcomes the opportunity
4 presented by the United States announcement at the
5 2011 APEC leaders' meeting of its intent to not only
6 join the Trans-Pacific Partnership (TPP), the proposed

7 twenty-first century trade agreement between the United
8 States and eight other Asia-Pacific Rim countries, but
9 to expand TPP membership in the future to include other
10 countries, such as Taiwan; and

11 WHEREAS, Taiwan's absence from international
12 organizations has impeded Taiwan's ability to
13 participate in global climate initiatives and to
14 respond to natural disasters like Typhoon Morakot,
15 which struck Taiwan in the summer of 2009, an unusually
16 destructive typhoon season in the Pacific; and

17 WHEREAS, aviation safety has become a major global
18 concern since 2001, with Taiwan being a key air
19 transport hub in the Asia-Pacific region, with more
20 than 1 million flights passing through the Taipei
21 Flight Information Region, and with one of the world's
22 largest airports by cargo volume, Taoyuan International
23 Airport; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
25 congratulates the Republic of China on Taiwan in
26 2012 on the one-hundredth anniversary of its Founding
27 Day of January 1, and separately, on its 20 years of
28 participation in the APEC forum; supports Taiwan's
29 efforts to secure entry to the TPP, along with
30 the United States and other friendly Asia-Pacific

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1 Rim countries; and reaffirms its support for the
2 participation of Taiwan in the United Nations
3 Framework Convention on Climate Change (UNFCCC) and
4 the International Civil Aviation Organization (ICAO)
5 to increase Taiwan's international stature in and
6 contribution to the global community; and

7 BE IT FURTHER RESOLVED, That the Secretary of
8 the Senate is hereby directed to send a copy of this
9 Resolution to United States Secretary of State Hillary
10 Rodham Clinton; Executive Secretary Christiana Figueres
11 of the UNFCCC; Secretary General Raymond Benjamin of
12 the ICAO; President Ma Ying-jeou of the Republic of
13 China (Taiwan); and the Taipei Economic and Cultural
14 Office in Chicago, Illinois.

Senate Resolution 105: filed February 14, 2012; adopted by the
Senate on February 15, 2012.

SENATE RESOLUTION 105
BY GRONSTAL, KIBBIE, and BEHN

1 A resolution welcoming His Excellency Xi Jinping, Vice
2 President of the People's Republic of China on his
3 visit to the State of Iowa.
4 WHEREAS, in 1983, Iowa Governor Terry E. Branstad

5 signed the Hebei Province, People's Republic of China
6 and State of Iowa Iowa Sister State agreement resulting
7 in the exchange of visitors; and
8 WHEREAS, in 1985, Iowa Sister States, State of Iowa
9 officials, and citizens of Iowa welcomed and hosted an
10 agricultural delegation from Hebei Province, People's
11 Republic of China, led by His Excellency Vice President
12 Xi Jinping, then Party Secretary; and
13 WHEREAS, the resulting goodwill, cooperation,
14 and understanding on the part of Iowans and the
15 Hebei Province have helped to expand economic
16 cooperation; and
17 WHEREAS, the relationship enjoyed by His Excellency
18 Xi Jinping, Vice President of the People's Republic
19 of China and the citizens of the State of Iowa has
20 encouraged China to become Iowa's fourth largest export
21 market and to become Iowa's partner in agriculture; and
22 WHEREAS, the relationship enjoyed by His Excellency
23 Xi Jinping, Vice President of the People's Republic
24 of China and the citizens of the State of Iowa will
25 encourage opportunities to further strengthen and
26 enhance the lives of citizens in both the United States
27 of America and the People's Republic of China; NOW
28 THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That on behalf of the
2 citizens of Iowa, the Senate welcomes His Excellency
3 Xi Jinping, Vice President of the People's Republic of
4 China to our state.

Senate Resolution 106: filed February 15, 2012; adopted by the
Senate on April 18, 2012.

SENATE RESOLUTION 106

BY HATCH, HOGG, MATHIS, DVORSKY, HORN, DEARDEN,
FRAISE, GRONSTAL, KIBBIE, BLACK, McCOY, BEALL,
WILHELM, QUIRMBACH, RAGAN, BOWMAN, SENG, SCHOENJAHN,
BOLKCOM, DOTZLER, DANIELSON, RIELLY, and JOCHUM

1 A resolution honoring Art Pennington, an American
2 baseball great.
3 WHEREAS, only rarely does the Senate have the
4 opportunity to celebrate the life and work of an
5 American who still lives among us, a man, not just a
6 memory; and
7 WHEREAS, Arthur D. Pennington now lives quietly
8 in Cedar Rapids, Iowa, but 70 years ago, long before
9 Jackie Robinson broke the color barrier, Mr. Pennington
10 was known as "Superman" and was a star of the Negro
11 baseball leagues; and

12 WHEREAS, as a black man, Mr. Pennington was denied
 13 an opportunity to play major league baseball, but
 14 for almost 20 years, Mr. Pennington played the game
 15 throughout the Americas, including Havana, Cuba, and
 16 Caracas, Venezuela; and
 17 WHEREAS, at 17, Mr. Pennington traveled to Chicago,
 18 joining the Chicago American Giants of the Negro
 19 league; and
 20 WHEREAS, the “Superman” was one of the Negro
 21 league’s brightest stars and played in the prestigious
 22 Negro League East/West All-Star Game in 1942, 1946, and
 23 1950; and
 24 WHEREAS, Mr. Pennington was an All-Star during the

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1 golden era of the Negro leagues and maintained an
 2 eight-year batting average of .336, emerging as a Negro
 3 league star in 1945, batting .359 and .500 as the first
 4 baseman for the Giants; and
 5 WHEREAS, over the following decades, Mr. Pennington
 6 played with some of the greatest baseball players of
 7 all time including Jackie Robinson, Satchel Paige,
 8 Josh Gibson, Hank Aaron, Buck O’Neil, James Thomas
 9 “Cool Papa” Bell, Willie Mays, Roy Campanella, and many
 10 others; and
 11 WHEREAS, it was during this period of time, his
 12 prime years, that much of his statistical data was
 13 lost because of limited record keeping for the Negro
 14 leagues; and
 15 WHEREAS, in 1949, Mr. Pennington returned to the
 16 United States with his wife Anita, a Caucasian woman of
 17 Spanish origin, at a time when in some states it was
 18 still illegal for African Americans and Caucasians to
 19 marry; the implications of their interracial marriage
 20 had unforeseen repercussions on his baseball career and
 21 quite possibly prevented him from playing Major League
 22 baseball; and
 23 WHEREAS, in 1959, Mr. Pennington retired from the
 24 game he loved so much and made a home and a new life in
 25 Cedar Rapids, where he worked at Collins Radio for many
 26 years, played on the company baseball team, and ran for
 27 several political offices including sheriff, mayor, and
 28 safety commissioner; and
 29 WHEREAS, featured in the books Baseball’s Forgotten
 30 Heroes and The Complete Book of Baseball’s Negro

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1 Leagues and in the Negro Leagues Baseball Museum, Art
 2 Pennington was a great American baseball player; and
 3 WHEREAS, to this day Mr. Pennington is a living

4 reminder of the challenges that African Americans faced
 5 in our country based not on their skill but on the
 6 color of their skin, and while some African Americans
 7 succeeded in their pursuits during this shameful period
 8 in our country's history, others still had to endure
 9 discrimination and prejudice and were prevented from
 10 fulfilling their goals; for Mr. Pennington that goal
 11 was playing in the major leagues; NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, That the Senate honors
 13 the "Superman", Arthur D. Pennington, one of America's
 14 finest baseball players and a civil rights pioneer
 15 whose life and contributions have for too long been
 16 overlooked, and
 17 BE IT FURTHER RESOLVED, That because of the racial
 18 divides of the 1940s and 1950s, Mr. Pennington never
 19 received the recognition he deserved, therefore the
 20 Senate urges that he be considered for admission to the
 21 Baseball Hall of Fame in Cooperstown, New York.

Senate Resolution 109: filed February 21, 2012; adopted by the Senate on February 21, 2012.

SENATE RESOLUTION 109

BY QUIRMBACH, BACON, ANDERSON, BARTZ, BEALL, BEHN,
 BERTRAND, BLACK, BOETTGER, BOLKCOM, BOWMAN, CHELGREN,
 COURTNEY, DANIELSON, DEARDEN, DIX, DOTZLER, DVORSKY,
 ERNST, FEENSTRA, FRAISE, GREINER, GRONSTAL, HAHN,
 HAMERLINCK, HANCOCK, HATCH, HOGG, HORN, HOUSER,
 JOCHUM, JOHNSON, KAPUCIAN, KETTERING, KIBBIE, MATHIS,
 McCOY, McKINLEY, RAGAN, RIELLY, SCHOENJAHN, SENG,
 SEYMOUR, SMITH, SODDERS, SORENSON, WARD, WHITVER,
 WILHELM, and ZAUN

1 A resolution recognizing Dr. Dan Shechtman of the Iowa
 2 State University College of Engineering, the United
 3 States Department of Energy's Ames Laboratory, and
 4 Technion-Israel Institute of Technology on his
 5 receipt of the 2011 Nobel Prize in Chemistry.
 6 WHEREAS, Dr. Shechtman serves as a professor
 7 of materials science and engineering at Iowa State
 8 University; research scientist at the United
 9 States Department of Energy's Ames Laboratory; and
 10 distinguished professor at Technion-Israel Institute of
 11 Technology in Haifa, Israel; and
 12 WHEREAS, on the morning of April 8, 1982, Dr.
 13 Shechtman discovered the existence of quasicrystals, a
 14 new atomic structure for solid materials; and
 15 WHEREAS, this structure was previously thought
 16 to be impossible by the scientific and engineering
 17 community; and
 18 WHEREAS, Dr. Shechtman endured significant
 19 skepticism and criticism from professional peers but

20 stood firm in his convictions and in the accuracy and

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1 import of this discovery; and
 2 WHEREAS, Dr. Shechtman's findings were independently
 3 confirmed by other researchers around the world,
 4 including scientists at the United States Department of
 5 Energy's Ames Laboratory and Iowa State University; and
 6 WHEREAS, the discovery of quasicrystals resulted in
 7 textbooks being rewritten; and
 8 WHEREAS, the discovery of quasicrystals has
 9 increased knowledge and the fundamental understanding
 10 of solid materials; and
 11 WHEREAS, in 2004, Dr. Shechtman joined Iowa State
 12 University as a professor of materials science and
 13 engineering in the College of Engineering and the
 14 United States Department of Energy's Ames Laboratory,
 15 as a research scientist; and
 16 WHEREAS, he continues to teach students and conduct
 17 research in Iowa; and
 18 WHEREAS, in recognition of his groundbreaking
 19 scientific achievements, the Royal Swedish Academy of
 20 Sciences awarded Dr. Shechtman the 2011 Nobel Prize in
 21 Chemistry; NOW THEREFORE,
 22 BE IT RESOLVED BY THE SENATE, That the Senate honors
 23 Dr. Dan Shechtman for his groundbreaking discovery of
 24 quasicrystals, his perseverance, and his contributions
 25 to teaching and research at Iowa State University and
 26 the Ames Laboratory, which culminated in his receipt of
 27 the 2011 Nobel Prize in Chemistry.

Senate Resolution 113: filed February 23, 2012; adopted by the Senate on March 13, 2012.

SENATE RESOLUTION 113
 BY DANIELSON

1 A resolution urging Congress to enact campaign finance
 2 restrictions relating to Citizens United v. Federal
 3 Election Commission.
 4 WHEREAS, the protections afforded by the First
 5 Amendment of the Constitution of the United States
 6 to the people of our nation are fundamental to our
 7 democracy; and
 8 WHEREAS, the First Amendment of the Constitution
 9 of the United States was designed to protect the free
 10 speech rights of people regardless of wealth, and not
 11 corporations; and
 12 WHEREAS, corporations are not people who are
 13 entitled to constitutional rights of citizenship but
 14 instead are entities created by the laws of states and

15 nations; and
16 WHEREAS, the Supreme Court's ruling in Citizens
17 United v. Federal Election Commission overturned
18 long-standing precedent prohibiting corporations
19 from spending their general treasury funds in our
20 elections; and
21 WHEREAS, the opinion of the four dissenting justices
22 in Citizens United v. Federal Election Commission
23 noted that corporations have special advantages not
24 enjoyed by natural persons, such as limited liability,
25 perpetual life, and favorable treatment of the
26 accumulation and distribution of assets, that allow
27 them to spend prodigious sums on campaign messages that
28 have little or no correlation with the beliefs held by

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1 natural persons; and
2 WHEREAS, the majority opinion of the Supreme Court
3 in Austin v. Michigan Chamber of Commerce, 494 U.S.
4 652 (1990), ruled that the people have a compelling
5 interest in preventing the corrosive and distorting
6 effects of immense aggregations of wealth that are
7 accumulated with the help of the corporate form and
8 that have little or no correlation to the public's
9 support for the corporation's political ideas from
10 unduly influencing our political process; and
11 WHEREAS, the general public and political leaders in
12 the United States have recognized, since the founding
13 of our country, that the interests of corporations
14 do not always correspond with the public interest
15 and that, therefore, the political influence of
16 corporations should be limited; and
17 WHEREAS, notwithstanding the decision in Citizens
18 United v. Federal Election Commission, legislators have
19 a duty to protect democracy and our Constitution and
20 defend them from the potentially detrimental effects
21 of corporate spending in local, state, and federal
22 elections; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the Senate
24 urges the United States Congress to enact appropriate
25 legislation to regulate and restrict corporate
26 participation in election campaigns; and
27 BE IT FURTHER RESOLVED, That the Secretary of the
28 Senate is directed to forward a copy of this resolution
29 to each member of the Iowa Congressional delegation.

Senate Resolution 115: filed March 7, 2012; adopted by the Senate
on March 13, 2012.

BY QUIRMBACH, BOETTGER, and MATHIS

1 A resolution to recognize March 2012 as Iowa Women's
 2 History Month.
 3 WHEREAS, Iowa women of every race, class, and
 4 ethnic background have made historic contributions
 5 to the growth and strength of our state and nation
 6 in countless recorded and unrecorded ways, including
 7 through the struggle for women's rights; and
 8 WHEREAS, Iowa women have played and continue to
 9 play a critical economic, cultural, and social role by
 10 constituting a significant portion of the labor force
 11 working inside and outside of the home, despite being
 12 underpaid; and
 13 WHEREAS, Iowa women were particularly important in
 14 the establishment of early charitable, philanthropic,
 15 and cultural institutions in our state and nation; and
 16 WHEREAS, Iowa women and men amended Article I,
 17 section 1, of the Constitution of Iowa to read that
 18 "All men and women are, by nature, free and equal, and
 19 have certain inalienable rights"; and
 20 WHEREAS, Iowa women have been leaders in business,
 21 industry, agriculture, nonprofit organizations, and
 22 academia, as well as the abolitionist movement, the
 23 emancipation movement, the labor movement, the civil
 24 rights movement, the peace movement, and the women's
 25 suffrage movement, which have created a fairer and more
 26 just society for all; and
 27 WHEREAS, despite these contributions, and those
 28 of women throughout the world, the role of women

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1 has been consistently overlooked and undervalued in
 2 the literature, teaching, and study of history; NOW
 3 THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, That the Senate
 5 recognizes the month of March 2012 as Iowa Women's
 6 History Month and invites the citizens of Iowa to
 7 continue to uncover the roles women have played
 8 throughout history.

Senate Resolution 116: filed March 13, 2012; adopted by the Senate on March 14, 2012.

SENATE RESOLUTION 116

BY QUIRMBACH, MATHIS, BEALL, RAGAN, DOTZLER, JOCHUM,
 HOGG, DVORSKY, SODDERS, DANIELSON, SENG, HORN, FRAISE,
 COURTNEY, KIBBIE, BLACK, McCOY, SCHOENJAHN, BEHN,
 BACON, BOETTGER, JOHNSON, McKINLEY, KAPUCIAN, WHITVER,
 ANDERSON, SORENSON, ERNST, KETTERING, HAHN, FEENSTRA,
 DIX, CHELGREN, WARD, and SEYMOUR

1 A resolution to honor Dr. Gregory L. Geoffroy's
2 remarkable achievements as President of Iowa State
3 University.
4 WHEREAS, Iowa State University, one of America's
5 preeminent land-grant universities, has become even
6 greater under the leadership of President Gregory L.
7 Geoffroy; and
8 WHEREAS, in 2001, Dr. Geoffroy capped an already
9 distinguished academic career as a professor of
10 chemistry, department head, and college dean
11 by assuming the post of President of Iowa State
12 University; and
13 WHEREAS, in the following decade, President Geoffroy
14 led Iowa State in its quest for excellence by advancing
15 the land-grant values of education, research, and
16 service and by putting science and technology to
17 work; and
18 WHEREAS, in only 10 years, President Geoffroy has
19 led the university to some remarkable achievements
20 including:
21 1. Record enrollments including an all-time high of
22 29,887 in 2011.
23 2. Record sponsored funding with \$388.1 million in

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1 2010.
2 3. The largest comprehensive fundraising campaign
3 in university history, totaling \$867 million.
4 4. A renewal of the campus infrastructure with
5 more than two dozen building projects completed or in
6 progress.
7 5. More than doubling the number of endowed faculty
8 positions to 158.
9 6. Iowa State University being named "a technology
10 powerhouse" in a report to the National Science
11 Foundation.
12 7. Reducing campus energy consumption by 10 percent
13 through the Live Green! sustainability initiative.
14 8. A truly remarkable record of achievement by the
15 university's faculty, staff, and students; and
16 WHEREAS, in his tenure at Iowa State University,
17 President Geoffroy has ushered the university into the
18 twenty-first century and positioned the university for
19 an even brighter future; NOW THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate thanks
21 Dr. Gregory L. Geoffroy for a decade of service to the
22 people of Iowa and honors his tireless efforts to make
23 Iowa State University a world-class institution.

Senate Resolution 117: filed March 27, 2012; adopted by the Senate on April 4, 2012.

SENATE RESOLUTION 117

BY HANCOCK, DOTZLER, DANIELSON, DVORSKY, BOWMAN, WILHELM, SODDERS, RAGAN, JOCHUM, HATCH, MATHIS, QUIRMBACH, BEALL, SCHOENJAHN, COURTNEY, GRONSTAL, FRAISE, DEARDEN, HORN, ZAUN, BEHN, SORENSON, ANDERSON, BERTRAND, ERNST, BOETTGER, BACON, BARTZ, JOHNSON, WARD, KAPUCIAN, HAMERLINCK, and KIBBIE

1 A resolution urging Congress and the President of the
 2 United States to protect Iowa's Air National Guard
 3 units from additional budget cuts.
 4 WHEREAS, state militias, now known as the national
 5 guard, have been a bulwark of this nation's military
 6 defense system since 1776; and
 7 WHEREAS, since 1941, the Iowa Air National Guard has
 8 been an integral part of our nation's defense and our
 9 state's emergency response system; and
 10 WHEREAS, defense budget cuts ranging from \$450
 11 billion up to \$1 trillion over the next decade will
 12 force each branch of the military service to reexamine
 13 its balance of forces in the active duty, guard, and
 14 reserve branches; and
 15 WHEREAS, the United States Air Force has announced
 16 it wants to remove 21 F-16 fighter jets of the 132nd
 17 Fighter Wing from the Des Moines Air National Guard
 18 base to meet these budget cuts, eliminating hundreds
 19 of Iowa jobs; and
 20 WHEREAS, over the last 68 years, the 132nd Fighter
 21 Wing has participated in numerous actions including
 22 World War II, the Korean Conflict, and many of the
 23 support functions of Desert Shield/Desert Storm,

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1 Enduring Freedom, and Iraqi Freedom; and
 2 WHEREAS, the 132nd Fighter Wing has received
 3 numerous awards, including eight Air Force Outstanding
 4 Unit Awards, and has participated in exercises and
 5 deployments worldwide; and
 6 WHEREAS, the Iowa Senate supports a defense budget
 7 based on national security strategy; and
 8 WHEREAS, the Air Force's budget request targets
 9 our nation's most cost-effective flying units based
 10 upon questionable logic and lacking evidence as to
 11 how the budget request supports the national security
 12 strategy or the United States Department of Defense's
 13 priorities; and
 14 WHEREAS, the Comprehensive Review of the Future Role
 15 of the Reserve Component chartered by then Secretary

16 of Defense Gates in April 2011 provides a compelling
17 analysis regarding the future role of the Reserve
18 Component and states that “[w]hen rebalancing the
19 force to meet future national security challenges,
20 the...Reserve should be a ‘force of first choice’...
21 owing to their overall cost effectiveness and the skill
22 sets that they can provide”; and

23 WHEREAS, it is clear that the Air Force did not
24 conduct a detailed or business case analysis before
25 making its decision; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the Senate urges
27 the President of the United States, the United States
28 Congress, and the United States Secretary of Defense,
29 to protect the Iowa Air National Guard from any future
30 reductions or other budget cuts; and

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1 BE IT FURTHER RESOLVED, That the Congressional Armed
2 Services Committees should require the Air Force to
3 present a detailed analysis supporting its course of
4 action; and

5 BE IT FURTHER RESOLVED, That an official copy of
6 this resolution be transmitted to the President of the
7 United States, the United States Secretary of Defense,
8 and to members of the Iowa congressional delegation.

Senate Resolution 119: filed April 16, 2012; adopted by the
Senate on April 17, 2012.

SENATE RESOLUTION 119

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution thanking Senator Robert Bacon for his
2 service in the Iowa Senate.

3 WHEREAS, Chicago native Robert Bacon has called Iowa
4 home since 1975, coming to the Senate in 2011 having
5 previously served on the city councils of Fremont and
6 Maxwell; and

7 WHEREAS, Senator Bacon currently represents District
8 5, which includes all or portions of Hamilton, Story,
9 Webster, and Wright counties, and is retiring from the
10 Senate to seek another elective office; and

11 WHEREAS, currently Senator Bacon serves on the
12 Economic Growth/Rebuild Iowa, Human Resources,
13 Local Government, and Veterans Affairs Committees,
14 and is also a member of Health and Human Services
15 Appropriations Subcommittee; and

16 WHEREAS, a hallmark of his legislative service has
17 been his dedication to fiscal issues; and

18 WHEREAS, in addition, Senator Bacon also serves on
19 the Commission on Tobacco Use Prevention and Control

20 and State Child Care Advisory Council; NOW THEREFORE,
 21 BE IT RESOLVED BY THE SENATE, That the Senate thanks
 22 Senator Robert Bacon for his service in the Iowa
 23 Senate.

Senate Resolution 120: filed April 16, 2012; adopted by the Senate on April 17, 2012.

SENATE RESOLUTION 120

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution to honor Senator James A. Seymour on his
 2 retirement from the Senate.
 3 WHEREAS, after a career in the United States Marine
 4 Corps Reserve, and in hospital administration, James A.
 5 Seymour came to the Senate in 2003; and
 6 WHEREAS, Senator Seymour represents District 28,
 7 which includes all or portions of Crawford, Harrison,
 8 Ida, Monona, Pottawattamie, and Woodbury counties; and
 9 WHEREAS, Senator Seymour has worked on a variety of
 10 issues and has served on a wide variety of standing
 11 committees, recently including the Appropriations,
 12 Economic Growth/Rebuild Iowa, Human Resources
 13 (Ranking Member), Labor and Business Relations, Local
 14 Government, State Government, and Veterans Affairs
 15 (Ranking Member) committees, and the Agriculture and
 16 Natural Resources, Justice System (Ranking Member),
 17 Health and Human Services, and Transportation,
 18 Infrastructure, and Capitals Appropriations
 19 Subcommittees; and
 20 WHEREAS, Senator Seymour has also served on
 21 a number of policy-making committees, including
 22 the Administrative Rules Review Committee and
 23 the Medical Assistance Projections and Assessment
 24 Council, the Center for Rural Health and Primary Care
 25 Advisory Committee, and the Child Welfare Advisory
 26 Committee; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, That the Senate thanks
 28 James A. Seymour for a decade of service in the Senate,

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1 and wishes him and his wife Dottie every happiness in
 2 the years to come.

Senate Resolution 121: filed April 16, 2012; adopted by the Senate on April 17, 2012.

SENATE RESOLUTION 121

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution honoring the public service of Senator

2 Thomas J. Rielly.
3 WHEREAS, Thomas J. Rielly, an Oskaloosa businessman
4 and former mayor of Oskaloosa, was first elected to the
5 Senate in 2004; and
6 WHEREAS, Senator Rielly represents District 38,
7 which includes all or portions of Iowa, Keokuk,
8 Mahaska, Poweshiek, and Tama counties; and
9 WHEREAS, currently Senator Rielly is Chair of the
10 Transportation Committee and Vice Chair of the Commerce
11 Committee, and also serves on the Agriculture, Economic
12 Growth, and Local Government Committees; and
13 WHEREAS, Senator Rielly has also served on the
14 Environment and Energy Independence Committee and the
15 Economic Development Appropriations Subcommittee; and
16 WHEREAS, Senator Rielly also served on the Broadband
17 Governance Board, the Iowa Capital Investment Board,
18 the Renewable Fuels and Co-products Advisory Committee,
19 and the Iowa Comprehensive Health Insurance Association
20 Board; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate thanks
22 Senator Thomas J. Rielly for his service in the Iowa
23 Senate, and wishes him and his wife Mary good fortune
24 in the years to come.

Senate Resolution 122: filed April 16, 2012; adopted by the Senate on April 17, 2012.

SENATE RESOLUTION 122

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution thanking Senator Tom Hancock for his
2 service in the Iowa Senate.
3 WHEREAS, Dubuque native Tom Hancock came to the
4 Senate in 2005, after a long career as a United States
5 Postal Service carrier and volunteer firefighter; and
6 WHEREAS, during his tenure Senator Hancock has been
7 a strong advocate for Iowa's firefighters and emergency
8 medical technicians; and
9 WHEREAS, currently Senator Hancock represents
10 District 16 which includes all or portions of Delaware,
11 Dubuque, and Jones counties; and
12 WHEREAS, currently Senator Hancock serves on the
13 Agriculture, Appropriations, Judiciary, Natural
14 Resources and Environment, and Transportation
15 Committees, and is also Chair of the Justice System
16 Appropriations Subcommittee; and
17 WHEREAS, Senator Hancock has served as the Vice
18 Chair of the Natural Resources and Environment
19 Committee, and as a member of the Environment and
20 Energy Independence, Judiciary, and State Government
21 Committees; and
22 WHEREAS, in addition, Senator Hancock also serves

23 on the Iowa Law Enforcement Academy Council and
 24 the Statewide Interoperable Communications System
 25 Board; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Senate thanks
 27 Senator Hancock for his years of service in the Iowa
 28 Senate, and wishes him and his wife, Coleen, a long and

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1 happy retirement.

Senate Resolution 123: filed April 16, 2012; adopted by the
 Senate on April 17, 2012.

SENATE RESOLUTION 123

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution to honor Senator Eugene Fraise for over a
 2 quarter of a century of public service.
 3 WHEREAS, Eugene S. "Gene" Fraise began his political
 4 career on the Lee County Board of Supervisors, coming
 5 to the Senate by special election in 1986; and
 6 WHEREAS, over two decades later Senator Fraise was
 7 elected in 2008 to his eighth term in the Iowa Senate,
 8 representing Senate District 46, which includes Henry
 9 and Lee counties; and
 10 WHEREAS, Senator Fraise currently serves on a
 11 variety of committees, as Chair of the Judiciary
 12 Committee, Vice Chair of both the Appropriations and
 13 Ethics Committees, and as a member of the Agriculture,
 14 Labor and Business Relations, and State Government
 15 Committees, and of the Justice System Appropriations
 16 Subcommittee; and
 17 WHEREAS, Senator Fraise also serves on the Criminal
 18 and Juvenile Justice Planning Advisory Council, the
 19 Interstate Compact for Adult Offender Supervision State
 20 Council, and the Public Safety Advisory Board; and
 21 WHEREAS, in over a quarter century of service
 22 Senator Fraise has also chaired the Agriculture
 23 Committee and has served on the Local Government
 24 Committee, the Natural Resources and Environment
 25 Committee, the Transportation Committee (Vice-Chair),
 26 and the Iowa Commission on Interstate Cooperation; NOW
 27 THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate

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1 honors Senator Eugene S. "Gene" Fraise for a lifetime
 2 of public service on the state and local level, and
 3 upon his retirement wishes him and his wife of over 60
 4 years, Faye, years of happiness to come.

Senate Resolution 124: filed April 16, 2012; adopted by the Senate on April 17, 2012.

SENATE RESOLUTION 124

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution to honor Senator John Patrick “Jack”
2 Kibbie on his retirement from the Senate.
3 WHEREAS, known to all as Jack, John Patrick Kibbie
4 is retiring from the Senate, over five decades after he
5 first entered the Iowa General Assembly as a freshman
6 Representative; and
7 WHEREAS, in 1960 John Fitzgerald Kennedy was elected
8 President of the United States, and a young Palo Alto
9 farmer and Korean War veteran, Jack Kibbie, was elected
10 to the Iowa House of Representatives; and
11 WHEREAS, young Jack served four years in the House
12 of Representatives and four years in the Senate before
13 returning to the farm, and during that tenure was the
14 chief architect of Iowa’s community college system and
15 floor manager of the bill to establish that system; and
16 WHEREAS, that service is today memorialized with
17 the John P. “Jack” Kibbie Outstanding Service Award
18 annually given to up to three Iowa Lakes Community
19 College graduating students to acknowledge their
20 leadership and contributions; and
21 WHEREAS, in 1989 Jack Kibbie returned to the
22 Iowa Senate, and in 2008 he was elected to his
23 seventh term, representing all or portions of Emmet,
24 Humboldt, Kossuth, Palo Alto, Pocahontas, and Webster
25 counties; and
26 WHEREAS, Senator Kibbie has served on a wide
27 variety of standing committees, recently including the
28 Agriculture, Education, Ethics (Chair), Government

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1 Oversight, Natural Resources and Environment, Rules and
2 Administration (Vice Chair), Small Business, Economic
3 Development and Tourism, State Government (Vice Chair),
4 Transportation, and Veterans Affairs Committees, and
5 the Education Appropriations Subcommittee; and
6 WHEREAS, Senator Kibbie has also served on a
7 number of permanent statutory committees, including
8 the Administrative Rules Review Committee, the Iowa
9 Commission on Interstate Cooperation, and the Public
10 Retirement Systems Committee (Co-Chair); and
11 WHEREAS, perhaps his greatest honor occurred
12 when his Senate colleagues elected Senator Kibbie
13 as the presiding officer of the Senate, serving as
14 Co-President of the Senate in 2005 and 2006 and as

15 President of the Senate from 2007 through 2012, making
 16 Senator Kibbie the longest serving President of the
 17 Senate; and
 18 WHEREAS, Senator Kibbie has been recognized for his
 19 long-time support for education in general and for
 20 his advocacy for community colleges in particular by
 21 the Iowa State Education Association; with a “Friend
 22 of RECs Award” from the Iowa Association of Electric
 23 Cooperatives; as a “Biodiesel Champion” by the Iowa
 24 Biodiesel Board; with appreciation for his support for
 25 the Iowa State University Community College Leadership
 26 Program; as a “Lifetime Champion of Renewable Fuels”
 27 by the Iowa Renewable Fuels Association; and for his
 28 support of “The Troopers Memorial Highways” by the
 29 Iowa State Patrol; and has received countless other
 30 accolades for his service, civility, and dedication in

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1 representing not only his district, but all Iowans; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate honors
 4 Senator John Patrick “Jack” Kibbie for a lifetime of
 5 public service, and wishes him and his wife Kay the
 6 very best in the years to come.

Senate Resolution 125: filed April 16, 2012; adopted by the
 Senate on April 17, 2012.

SENATE RESOLUTION 125

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution honoring Senator Paul McKinley on his
 2 retirement from the Iowa Senate.
 3 WHEREAS, Paul McKinley is a true entrepreneur, an
 4 Iowa farm boy who built a successful company, Neely
 5 Manufacturing, through determination and hard work; and
 6 WHEREAS, retiring from business Senator McKinley was
 7 first elected to the Senate in 2000; and
 8 WHEREAS, Senator McKinley represents District
 9 36, which includes all or portions of Jasper, Lucas,
 10 Mahaska, Marion, and Monroe counties; and
 11 WHEREAS, Senator McKinley made his mark as a
 12 passionate advocate on education and economic
 13 development issues; and
 14 WHEREAS, for over a decade Senator McKinley has
 15 served on the Appropriations, Commerce, Economic
 16 Growth/Rebuild Iowa, Education (Co-Chair), Ethics
 17 (Ranking Member), Human Resources, Labor and Business
 18 Relations, Local Government, Rules and Administration
 19 (Ranking Member), Small Business, Economic Development,
 20 and Tourism, Veterans Affairs, and Ways and Means

21 Committees, and on the Economic Development (Chair),
22 Education, and Justice System (Ranking Member)
23 Appropriations Subcommittees; and
24 WHEREAS, Senator McKinley also served on the
25 Administrative Rules Review Committee (Vice-Chair), the
26 Research and Development School Advisory Council, and
27 the Iowa Comprehensive Health Insurance Association
28 Board; and

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1 WHEREAS, in 2008, Senator McKinley was honored by
2 his colleagues when he was chosen as the Republican
3 Floor Leader, serving from 2009 through 2011; NOW
4 THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate honors
6 Senator Paul McKinley for over a decade of service, and
7 wishes him and his wife Trish many years of travel and
8 happiness.

Senate Resolution 126: filed April 16, 2012; adopted by the
Senate on April 17, 2012.

SENATE RESOLUTION 126

BY KIBBIE, GRONSTAL, and BEHN

1 A resolution honoring William L. Krieg for more than
2 two decades of service to the Iowa Senate.
3 WHEREAS, in the year 1989, the Berlin Wall came
4 down, Chinese students occupied Tiananmen Square, a
5 gallon of gas cost 97 cents, and William L. Krieg began
6 a 22-year career with the Iowa Senate; and
7 WHEREAS, Mr. Krieg was a long-time Des Moines
8 resident who came to the Senate after a busy career,
9 working with National By-Products, the Borden company,
10 Pennwalt, the Des Moines Register, and Universal
11 Hospital Services; and
12 WHEREAS, beginning as Assistant Sergeant-at-Arms,
13 Mr. Krieg soon assumed the position of
14 Sergeant-at-Arms; and
15 WHEREAS, for over 20 years Mr. Krieg shouldered
16 the responsibility of bringing order and decorum to
17 the floor of the Senate — no easy task in the swirl
18 of a legislative session, where anything can and does
19 happen; and
20 WHEREAS, Mr. Krieg's most important responsibility
21 was the direction and supervision of the young men and
22 women who served as Senate pages, working with hundreds
23 of these youngsters over the years, instilling in them
24 a work ethic and providing them with an opportunity to
25 witness the political process firsthand; and
26 WHEREAS, first and foremost Bill Krieg is a family

27 man — a husband to his late, beloved wife Ruth, to
 28 whom he was married for 59 years, and a father to

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1 his children: Cindy (Jarard) Killip, Diane (Steve)
 2 Osiecki, Bill (Jean) Krieg, Mary (Bob) Rasmussen, and
 3 Jon (Patti McKee) Krieg; and
 4 WHEREAS, Mr. Krieg also has 11 grandchildren and
 5 seven great-grandchildren; and a 40-year succession of
 6 pet beagles: Dixie, Daisy, Rubi, and now Trixie; NOW
 7 THEREFORE,
 8 BE IT RESOLVED BY THE SENATE, That the Senate honors
 9 William L. Krieg for more than two decades of service
 10 to the Senate and the people of Iowa, and wishes him
 11 and his family much happiness in the years to come; and
 12 BE IT FURTHER RESOLVED, That an official copy
 13 of this Resolution be prepared and presented to
 14 Sergeant-at-Arms William L. Krieg.

Senate Resolution 127: filed April 16, 2012; adopted by the
 Senate on April 17, 2012.

SENATE RESOLUTION 127

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution to honor Steve Conway for over a quarter
 2 of a century of service to the Senate.
 3 WHEREAS, the Second Session of the 84th General
 4 Assembly marks the last hurrah for Steve Conway; and
 5 WHEREAS, leaving a career in industry, Mr. Conway
 6 joined the Senate caucus staff in 1986; and
 7 WHEREAS, Mr. Conway specialized in human services
 8 and health care issues, and over the years provided
 9 staff support for the Agriculture, Ethics, Human
 10 Resources, Judiciary, and Labor and Business
 11 Committees, and also the Health and Human Services and
 12 the Health and Human Rights Budget Subcommittees; and
 13 WHEREAS, from 1987 to 1996, at the invitation
 14 of Senator Berl E. Priebe, Mr. Conway provided
 15 staff support for the Administrative Rules Review
 16 Committee; and
 17 WHEREAS, Mr. Conway's first loyalty has always been
 18 to the institution of the Senate, which has won him
 19 friends and respect on both sides of the aisle; and
 20 WHEREAS, his professional zeal led him to further
 21 academic study and the earning of a master's degree in
 22 health administration; and
 23 WHEREAS, his passion for public service led Mr.
 24 Conway to seek a seat on the Broadlawns Medical
 25 Center Board of Trustees, where he was elected as
 26 chair, guiding the hospital through a difficult fiscal
 27 crisis; and

28 WHEREAS, in 2005 Mr. Conway began serving his

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1 mentor, Senator Jack Kibbie, as Assistant to the
 2 President of the Senate; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 congratulates Steve Conway for his decades of public
 5 service, and wishes him and his wife Sandy the
 6 very best as they prepare to join their son Chad,
 7 daughter-in-law Cynthia and two beloved granddaughters,
 8 Eva and Fern, in Oregon.

Senate Resolution 128: filed April 16, 2012; adopted by the Senate on April 17, 2012.

SENATE RESOLUTION 128

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution honoring the public service of Senator
 2 Steve Kettering.
 3 WHEREAS, Steve Kettering came to the Iowa Senate as
 4 a long-time community banker, the president of Farmers
 5 State Bank; and
 6 WHEREAS, Senator Kettering began his service in the
 7 Senate in 2003, after serving as a member of the Iowa
 8 House of Representatives from 1999 to 2002; and
 9 WHEREAS, Senator Kettering represents District 26,
 10 which includes all or portions of Buena Vista, Carroll,
 11 Crawford, and Sac counties; and
 12 WHEREAS, Senator Kettering served as the Senate
 13 Republican Whip and during his tenure has served on a
 14 wide variety of standing and appropriations committees,
 15 including the Appropriations (Ranking Member),
 16 Commerce, Ethics, Judiciary (Ranking Member), Labor and
 17 Business Relations, Natural Resources and Environment,
 18 Rules and Administration, and State Government
 19 Committees, and the Economic Development (Ranking
 20 Member), and Transportation, Infrastructure, and
 21 Capitals (Co-Chair) Appropriations Subcommittees; and
 22 WHEREAS, Senator Kettering has also served on a
 23 number of permanent statutory committees, including
 24 the Investment Board of the Iowa Public Employees'
 25 Retirement System, the Medical Assistance Projections
 26 and Assessment Council, and the Public Retirement
 27 Systems Committee; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That on the occasion

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1 of his retirement the Senate honors Senator Steve
 2 Kettering for his years of public service and wishes
 3 him the very best in the years to come.

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Amendments filed — 372, 539, 645, 779, 788, 830, 831, 872–874, 877, 921
 Amendments offered — 539, 872
 Bills introduced — 85, 94, 101, 102, 134, 143, 144, 179, 226, 236, 250, 270, 280
 Bill subcommittee assignments — 57, 86, 97, 113, 114, 121, 138, 166, 167, 204, 228, 252, 264, 284, 504, 548, 561, 562
 Certificates of recognition — 318, 503, 573, 691, 760, 814
 Conference committee appointments & reports — 776, 889, 924, 934
 Resolutions introduced — 161, 199, 296, 300, 329, 392, 546, 672

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FEENSTRA, RANDY — Senator, 2nd District; Republican

Amendments filed — 373, 501, 520, 646, 651, 780, 788, 830, 877, 921
 Amendments offered — 630, 651, 921
 Bills introduced — 110, 144, 179, 226, 236, 250, 280
 Bill subcommittee assignments — 56–58, 85, 96, 98, 113, 115, 129, 137, 148, 166, 183, 192, 204, 215, 216, 237, 252, 263, 273, 274, 283, 284, 294, 311, 320, 361, 395, 465, 504, 548, 603, 666, 736, 761, 778, 793, 815, 846, 855, 885, 901
 Certificates of recognition — 197, 268, 880
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FRAISE, GENE — Senator, 46th District; Democrat

Amendments filed — 753
 Amendments offered — 626
 Amendments withdrawn — 759
 Bills introduced — 85, 93, 94, 109, 164, 191, 260, 272, 280
 Bill subcommittee assignments — 56, 57, 67, 68, 98, 115, 121, 137, 167, 182, 183, 203, 204, 216, 251, 273, 284, 285, 294, 303, 425, 447, 518, 547, 576, 673, 752, 884
 Certificates of recognition — 609

Conference committee appointments & reports — 772, 773, 895, 905
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GREINER, SANDRA — Senator, 45th District; Republican

Amendments filed — 646, 780, 830, 831, 872–874, 876, 877, 921
Bills introduced — 179, 226, 236
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GRONSTAL, MICHAEL E. — Senator, 50th District; Majority Leader,
Democrat

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Conference committee appointments & reports — 887, 928
Resolutions introduced — 248, 258, 296, 672, 793, 803

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HAHN, JAMES — Senator, 40th District; Republican

- Amendments filed — 373, 645, 780, 788, 830, 831, 872–874, 876, 877, 921
- Bills introduced — 144, 179, 236, 250, 270, 280
- Bill subcommittee assignments — 39, 49, 50, 56, 66, 86, 97, 98, 147, 166, 167, 204, 237, 447, 547, 548, 561
- Certificates of recognition — 446, 602, 609, 801, 901, 945
- Resolutions introduced — 161, 199, 296, 300, 329, 392, 546

HAMERLINCK, SHAWN — Senator, 42nd District; Republican

- Amendments filed — 350, 506, 597, 731, 780, 831, 921
- Amendments offered — 350, 731
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- Bills introduced — 94, 144, 179, 226, 236, 280
- Bill subcommittee assignments — 50, 66, 67, 86, 97, 137, 147, 167, 251, 263, 284, 504, 562
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- Conference committee appointments & reports — 776, 826, 909
- Resolutions introduced — 161, 199, 296, 300, 392, 672

HANCOCK, THOMAS — Senator, 16th District; Democrat

- Amendments filed — 554, 610, 620, 719, 735, 815, 821
- Amendments offered — 619, 620, 734, 735, 821

Amendments withdrawn — 821
Bills introduced — 21, 36–38, 93, 94, 164, 260, 272, 280, 293
Bill subcommittee assignments — 39, 49, 50, 56, 57, 67, 68, 86, 97, 103,
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547, 548, 561, 576, 673, 752
Certificates of recognition — 62, 105, 326, 868, 925
Conference committee appointments & reports — 772, 773, 895, 905
Presiding at session of the Senate — 812
Resolutions introduced — 296, 300, 329, 672

HATCH, JACK — Senator, 33rd District; Democrat

Amendments filed — 426, 506, 511–513, 780, 784, 787, 789, 867, 915
Amendments offered — 512, 513, 784, 915
Amendments withdrawn — 784
Bills introduced — 37, 85, 93, 94, 100, 109, 128, 164, 191, 201, 260, 272,
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Bill subcommittee assignments — 39, 50, 66, 67, 87, 97, 103, 114, 115,
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426, 490, 518, 547, 576, 673, 752
Conference committee appointments & reports — 848, 924, 934, 936
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Resolutions introduced — 258, 296, 672

HOGG, ROB — Senator, 19th District; Democrat

Amendments filed — 387, 391, 667, 674, 702, 753, 757, 787, 789, 800
Amendments offered — 387, 391, 684, 757, 787, 789, 800, 841, 914
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Bill subcommittee assignments — 68, 86, 97, 114, 136, 137, 147, 183,
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Certificates of recognition — 750, 814
Conference committee appointments & reports — 772, 773, 895, 905
Resolutions introduced — 258, 296, 546

HORN, WALLY E. — Senator, 17th District; Assistant Majority Leader,
Democrat

Bills introduced — 22, 85, 93, 94, 109, 143, 161, 164, 191, 201, 272, 280
Bill subcommittee assignments — 56–58, 67, 68, 97, 114, 137, 148, 166,
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- Senate File 2313, S-5114 — 613; refused to concur — 653
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HOUSER, HUBERT — Senator, 49th District; Republican

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Amendments filed — 563, 564

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JOCHUM, PAM — Senator, 14th District; Democrat

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Amendments offered — 460, 511, 593, 852

Amendments withdrawn — 404

Bills introduced — 93, 94, 109, 128, 144, 162, 163, 191, 272, 280

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Certificates of recognition — 118, 132, 925

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Resolutions introduced — 258, 296, 546, 672

JOHNSON, DAVID — Senator, 3rd District; Assistant Minority Leader, Republican

Amendments filed — 373, 583, 646, 685, 733, 780, 788, 830, 831, 872, 873, 875–877, 921

Amendments offered — 788, 830, 875, 877

Amendments withdrawn — 733

Bills introduced — 22, 84, 225, 236, 250, 270, 280

Bill subcommittee assignments — 67, 68, 97, 103, 115, 130, 203, 426, 518, 576, 673, 752

Certificates of recognition — 355, 356, 666

Conference committee appointments & reports — 848, 924, 934

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KAPUCIAN, TIM L. — Senator, 20th District; Assistant Minority Leader, Republican

Amendments filed — 98, 646, 719, 779, 830, 873, 874, 877, 921, 932, 933

Amendments offered — 874

Amendments withdrawn — 931, 932

Bills introduced — 144, 179, 226, 236, 261, 270, 280

Bill subcommittee assignments — 56, 86, 121, 148, 204, 215, 216, 264, 285, 303, 310, 332, 395, 548, 561, 576, 673, 752

Certificates of recognition — 62, 244, 424, 446, 447, 602, 739, 750, 801, 814, 880

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KETTERING, STEVE — Senator, 26th District; Republican

Amendments filed — 217, 373, 729, 730, 732, 779, 780, 784, 788, 830, 831, 872, 921
Amendments offered — 343, 730, 784
Amendments withdrawn — 732, 784
Bills introduced — 93, 94, 121, 144, 162, 179, 280
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Conference committee appointments & reports — 772, 887, 895
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KIBBIE, JOHN P. — Senator, 4th District; President of Senate, Democrat

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Amendments offered — 316, 386, 671
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Bill subcommittee assignments — 50, 57, 87, 115, 121, 130, 167, 183, 251, 264, 273, 311, 562
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Certificates of recognition — 687, 750, 814, 855

Conference committee appointments & reports — 774, 896

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McCOY, MATT — Senator, 31st District; Democrat

Amendments filed — 335, 387, 401, 481, 514, 520, 579, 582, 595, 633,
763, 867, 919

Amendments offered — 387, 428, 514, 530, 582, 595, 633, 634, 766, 878,
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Amendments withdrawn — 514, 535

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518, 548, 561, 576, 673, 752, 793

Conference committee appointments & reports — 776, 890, 893, 912

Resolutions introduced — 258, 296, 546

McKINLEY, PAUL — Senator, 36th District; Republican

Amendments filed — 373, 597, 646, 727, 729, 755, 779, 788

Amendments offered — 597, 727, 729, 755

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- Amendments offered — 441, 729
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- Bill subcommittee assignments — 50, 67-69, 85, 86, 97, 103, 114, 136, 138, 148, 182, 192, 204, 215, 216, 237, 263, 264, 274, 284, 303, 310, 320, 395, 465, 489, 490, 547, 562, 855
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- Amendments filed — 193, 266
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Printed during session — 858

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- Certificates of recognition — 105, 292, 517, 845
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- Resolutions introduced — 258, 296, 546, 672

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SENATE REFUSING TO CONCUR — *See* HOUSE AMENDMENTS IN SENATE

SENG, JOE M. — Senator, 43rd District; Democrat

- Amendments filed — 98, 685, 876
- Amendments offered — 117, 685, 876

Bills introduced — 85, 94, 109, 191, 200, 201, 225, 236, 258, 272, 301, 310
Bill subcommittee assignments — 66, 86, 98, 121, 137, 147, 182, 203,
216, 252, 284, 303, 310, 547, 736
Certificates of recognition — 176, 464
Conference committee appointments & reports — 774, 896
Resolutions introduced — 258, 296, 329, 546

SEYMOUR, JAMES A. — Senator, 28th District; Republican

Amendments filed — 373, 599, 645, 779, 830, 872–874, 876, 877, 921
Amendments offered — 599
Bills introduced — 144, 179, 236, 270, 280
Bill subcommittee assignments — 50, 66–69, 86, 87, 103, 114, 147, 183,
204, 216, 237, 251, 263, 284, 425, 489, 547, 562, 576, 673, 752, 793,
846
Certificates of recognition — 901
Conference committee appointments & reports — 773
Resolutions introduced — 161, 199, 296, 300, 329, 392, 546

SMITH, ROBY — Senator, 41st District; Assistant Minority Leader,
Republican

Amendments filed — 520, 780, 788, 830, 831, 872, 873, 877, 921
Amendments offered — 528
Bills introduced — 179, 236, 280
Bill subcommittee assignments — 39, 57, 58, 69, 114, 115, 121, 130, 136,
148, 166, 184, 192, 237, 263, 264, 273, 311, 395, 518, 562, 603
Certificates of recognition — 208
Conference committee appointments & reports — 772
Resolutions introduced — 161, 199, 296, 300, 329

SODDERS, STEVEN J. — Senator, 22nd District; Assistant Majority Leader,
Democrat

Amendments filed — 579, 679, 719, 767, 819
Amendments offered — 582, 679, 767, 819
Bills introduced — 93, 94, 109, 133, 134, 191, 213, 236, 260, 270, 272, 280
Bill subcommittee assignments — 49, 50, 57, 67, 86, 87, 97, 103, 113–
115, 137, 147, 148, 166, 184, 215, 228, 237, 251, 263, 274, 284, 285,
294, 303, 331, 547, 562
Certificates of recognition — 687
Honors received — 650
Presiding at sessions of the Senate — 59, 82
Resolutions introduced — 296, 546, 672

SORENSEN, KENT — Senator, 37th District; Republican

Amendments filed — 372, 630, 645, 674, 719, 780, 788, 830, 831, 872–
874, 876, 877, 921

SORENSEN — continued

- Amendments offered — 630, 877
- Amendments withdrawn — 724
- Bills introduced — 144, 179, 226, 250, 259, 260, 280
- Bill subcommittee assignments — 58, 67, 68, 87, 97, 114, 115, 137, 167, 204, 215, 263, 273, 283, 284, 447, 547
- Explanation of vote — 550
- Resolutions introduced — 161, 199, 296, 300, 329, 392, 546, 672

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- Appointees, investigation of — 153, 172, 173, 206, 231, 295, 475–477, 496–500, 551–553, 568, 569, 605, 606, 695, 702, 763
- Bills and resolutions introduced — 180, 181, 226, 235, 301, 330, 357, 358, 360, 361, 392
- Bills referred to — 22, 37, 100, 110, 120, 121, 144, 145, 162–164, 179, 181, 188, 248–250, 258–261, 280, 293, 301, 310, 422, 483, 485, 486, 523, 525, 581
- Committee meeting reports — 63, 106, 189, 223, 247, 293, 328, 575, 576, 792
- Committee reports — 185, 186, 217, 230, 239, 240, 294, 304, 334 335, 368–371, 399, 548, 549, 565
- Study bills — 55, 56, 88, 111–113, 146, 182, 262, 272, 273, 283, 302
- Subcommittee assignments — 56–58, 87, 114, 115, 121, 130, 148, 166, 167, 183, 184, 203, 215, 262–264, 273, 274, 283, 285, 294, 303, 311, 332, 447, 504, 547, 562, 603

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Bills and resolutions introduced — 225, 234, 271, 280, 310, 320, 359

Bills referred to — 21, 22, 37, 54, 85, 121, 134, 143–145, 161, 180, 213,
258, 260, 281, 521, 523, 581, 720Committee meeting reports — 36, 84, 120, 141, 209, 257, 300, 328, 546,
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Committee reports — 230, 240, 276, 287, 313, 322, 323, 372, 549, 566

Study bills — 136, 146, 165, 203, 262

Subcommittee assignments — 49, 50, 56, 57, 86, 97, 138, 148, 166, 167,
183, 204, 228, 264, 273, 303, 310, 548, 561

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Appointees, investigation of — 477, 501, 606

Bills and resolutions introduced — 94, 162, 164, 201, 212, 309, 319

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Committee meeting reports — 48, 91, 159, 189, 300, 424, 602, 609

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Study bills — 49, 102, 111, 182, 228, 250, 251

Subcommittee assignments — 50, 103, 113, 114, 147, 183, 228, 252, 284,
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Senate File 2338 — 954

WARD, PAT — Senator, 30th District; Assistant Minority Leader, Republican

Amendments filed — 372, 628, 731, 780, 830, 872, 873, 876, 877, 921

Amendments offered — 731

Amendments withdrawn — 628

Bills introduced — 226, 236, 250, 280, 281

Bill subcommittee assignments — 39, 49, 67, 68, 97, 98, 137, 138, 148,
182, 183, 192, 204, 215, 263, 274, 303, 489, 490

Certificates of recognition — 305–307, 602

Resolutions introduced — 161, 199, 296, 300, 329, 546, 672

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Amendments filed — 762, 834, 914

Bills and resolutions introduced — 227, 503, 648, 692, 698, 740, 778, 833, 862, 910, 945

Bills referred to — 37, 93, 101, 102, 123, 129, 143, 144, 162, 187, 200, 201, 212, 213, 219, 233, 236, 259, 261, 268, 282, 293, 298, 374, 384, 394, 427, 502, 721, 765, 772, 825, 834, 848, 860, 903, 912

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WHITVER, JACK — Senator, 35th District; Republican

Amendments filed — 193, 373, 501, 646, 780, 788, 830, 831, 873, 876, 877, 921

Amendments offered — 339, 381, 831, 876

Bills introduced — 179, 200, 212, 226, 236, 250, 261, 270, 280

Bill subcommittee assignments — 50, 57, 67, 68, 87, 114, 115, 136, 148, 182, 183, 203, 204, 216, 228, 237, 251, 252, 263, 273, 284, 490, 518, 547

Certificates of recognition — 866, 925, 945

Conference committee appointments & reports — 773

Resolutions introduced — 161, 199, 296, 300, 329, 392, 546

WILHELM, MARY JO — Senator, 8th District; Democrat

Amendments filed — 420, 617, 683, 851

Amendments offered — 429, 617, 683

Bills introduced — 37, 93, 109, 191, 260, 272, 280

Bill subcommittee assignments — 50, 57, 68, 86, 98, 114, 115, 137, 148, 183, 228, 251, 252, 284, 490, 504, 518, 562

Certificates of recognition — 666, 880

Conference committee appointments & reports — 773, 904

Resolutions introduced — 258, 296, 672

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Winners introduced — 524

- ZAUN, BRAD — Senator, 32nd District; Minority Whip, Republican
- Amendments filed — 372, 645, 729, 779, 788, 830, 872, 873, 876, 877, 921
 - Amendments offered — 873, 876
 - Amendments withdrawn — 729
 - Bills introduced — 144, 179, 180, 226, 236, 250, 258, 259, 280, 309
 - Bill subcommittee assignments — 86, 96, 98, 130, 136, 148, 166, 182, 183, 216, 252, 273, 303, 548
 - Certificates of recognition — 801, 855
 - Explanations of votes — 254
 - Resolutions introduced — 161, 199, 296, 300, 329, 392, 672